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New Jersey Legislation Concerning Loyalists

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ALTHOUGH New Jersey did not publish lists of loyalists, it has been estimated that at least five thousand New Jersey men (and many women, as well) supported the royal cause in the Revolution.[1] About 1,200 were adjudged by the courts to have aided the enemy and so forfeited their property to the State.[2] In fact New Jersey, though small, ranked fourth among the states in the number of Tories.[3]

In the years just prior to 1775, as events leading to revolt multiplied in the Colonies, the citizens of New Jersey supported colonial protests to the mother country while maintaining loyalty to the king. There was a fervent hope among most of the people

[1]A. Van Doren Honeyman, "Concerning the New Jersey Loyalists in the Revolution," *Proceedings of the New Jersey Historical Society,* LI (1933), 125-131.

[2]*Archives of the State of New Jersey,* III, viii.

[3]Cornelius C. Vermeule, "The Active Loyalists of New Jersey," *Proceedings of the New Jersey Historical Society,* LII (1934), 93-94.

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that the home government would recognize the fairness of their petitions and take steps to remedy the injustices that had been inflicted upon the colonists. Nevertheless, it appeared wise to join forces with the people of other colonies in united efforts to bring relief to all, and at its meeting in Burlington, February 8, 1774, the New Jersey Assembly appointed a Committee of Correspondence and Inquiry to maintain contact with similar groups in other colonies regarding the acts of the British Parliament that would affect the "Liberties and Principles of His Majesty's Subjects in the British Colonies in America. . . ."[4]

A state convention to nominate delegates to the Continental Congress met at New Brunswick, July 21-23, and unanimously agreed that the inhabitants of New Jersey and of America in general "are, and ever have been firm and unshaken in their loyalty" to the king and that they "detest all thoughts of an independence on the Crown of Great Britain."[5] They acknowledged George III as their lawful and rightful sovereign, but declared Parliament's claim to make laws binding upon American subjects in all cases, especially for imposing taxes, was unconstitutional and oppressive, and they bound themselves to oppose such laws by all constitutional means in their power.[6] The Convention resolved to empower delegates to attend the Continental Congress, to send relief to Boston, to acknowledge the efforts of members of Parliament who favored the colonial point of view, and proceeded to elect five delegates to the Continental Congress to be held at Philadelphia on September 1st.

"The present unhappy situation"

The proceedings of the First Continental Congress were approved unanimously by the New Jersey Assembly, January 24, 1775, after which it appointed delegates to the next meeting of the Congress, which was to be held in Philadelphia in May. Despite this radical turn of events, the Assembly, in its reply to

[4] *Minutes of the Provincial Congress and Council of Safety*, p. 2.
[5] *Ibid.*, pp. 25-26.
[6] *Ibid.*

Governor Franklin's address on February 3rd, reiterated that they were loyal subjects of the king "from whose goodness we hope to be relieved from the present unhappy situation";[7] and in a petition to George III, on February 13th, again affirmed their loyalty to the monarch and his family and asserted that they had no wish "to withdraw from a constitutional dependence on the British Crown . . ."[8] Nevertheless, they proceeded to enumerate the grievances which they attributed to the Parliamentary acts.

On May 31, 1775, the Provincial Congress of New Jersey approved a form of Association to be signed by inhabitants of the State, and sent copies to the counties with the recommendation that the form be signed by the people.[9] From that time forward New Jersey was governed by this social compact, which aimed at supporting the new *de facto* governing bodies in all the political divisions of the State and nation. Three days later—June 3rd—the New Jersey Congress adopted rules to be observed by the citizens of the State and an ordinance to raise money for the support of the militia.[10] A three-year levy of £30,000 for use within the colony was imposed for maintenance of the militia, and four thousand minute-men were to be enrolled in the State and were to hold themselves in readiness to go anywhere in New Jersey or the other colonies where they were needed at short notice. The men were required to sign a muster roll to that effect. The New Jersey Council of Safety met at Princeton, August 31st, and decided that the people of the State should examine all suspicious persons passing to and fro through their territory. Individuals who refused to bear arms in the

[7]*Ibid.*, p. 75.

[8]*Ibid.*, p. 88.

[9]The recommendation did not meet with overwhelming approval in the State, and on August 5th the counties were requested to furnish the Provincial Congress with the names of all who refused to sign the Association. *Minutes of the Provincial Congress*, p. 184.

[10]Ten thousand pounds Proclamation Money was to be raised proportionately by the counties, which would, in turn, determine the amounts to be collected from their subdivisions and name the collectors. *Extracts from the Journal of Proceedings of the Provincial Congress of New Jersey*, 1775-1776 (Woodbury, N. J.: Joseph Sailer, 1835), pp. 14-54.

militia or to pay the fine of four shillings a month had their names sent to the Provincial Congress or to the Council of Safety.

As late as November 30, 1775, the New Jersey Assembly reiterated a wish for reconciliation with Great Britain, and said that Governor William Franklin[11] was in no danger of rough handling from the people of the State, although other royal officials had been imprisoned in Trenton.[12] Six weeks later (January 13, 1776), nevertheless, the Provincial Congress approved the law passed by the Continental Congress to disarm and take into custody persons considered unfriendly to the patriot cause. Preceding passage of this law by the Continental Congress, there had been much discussion on January 1st about "disarming and securing the Tories in New Jersey and in case persons ordered to be secured by Authority would not surrender, then to put them to Death. . . ." During the debate, J. Wilson proposed that all persons in the Thirteen Colonies who refused to sign an Association should be disarmed, and others suggested disarming, securing, and destroying such Tories "as resisted an Arrest ordered by the present Authority."[13] On February 5th the New Jersey legislature forbade any county or town committee in the State to grant a license or permit for the exportation of any produce, lumber, or merchandise contrary to the General Association of the Continental Congress. This law was rescinded on February 28th but, meanwhile, an order that no provisions of any kind were to be sent to New York via New York Bay, Perth Amboy, Sandy Hook Bay, or Staten Island had been given on February 20th.[14]

[11]William Franklin was the last to hold his post by royal appointment. He served from August, 1762, until June 24, 1776, when he was arrested by the militia under Colonel Heard. Franklin was imprisoned in Connecticut by order of the Continental Congress. In the earlier stages of the war, New York and New Jersey sent many of their most dangerous loyalists to Connecticut. Donald L. Kemmerer, *Path to Freedom* (Princeton: Princeton University Press, 1940), p. 345; Claude H. Van Tyne, *The Loyalists in the American Revolution* (New York: Peter Smith, 1929), p. 226.

[12]*Minutes of the Provincial Congress,* p. 309.

[13]"Diary of Richard Smith in the Continental Congress, 1775-17/6," *American Historical Review,* I (1895-1896), 302.

[14]*Minutes of the Provincial Congress,* pp. 337, 347, 381.

Thus, even before the Declaration of Independence was signed, measures were taken in New Jersey, as in the other colonies, to distinguish the loyalists, who adhered to the Crown, from the patriots, who supported the rebellion against the British Government. Persons who, at first, had supported colonial protests against the acts of the Parliament in the hope that adequate remedies for their grievances would be forthcoming, slowly were compelled to choose between fidelity to their king and allegiance to the provincial and Continental congresses. Men whose faith lay in the gradual attainment of their desires through peaceful governmental processes drew back in horror and disgust from the radical measures proposed by the groups who believed that direct action was the only way to gain the freedom necessary to colonial prosperity. Others sought for compromises that would bring maximum results without resorting to war.

The split widens

The state government continued to impose restrictions upon the people and their activities, and the loyalist position became increasingly unhappy and dangerous as the line of division was drawn more firmly and clearly by legislation. From comparatively mild laws intended to encourage support of the provincial and Continental governments, the State enacted increasingly stringent regulations, which culminated in the confiscation of both the personal and real property of loyalists and the attainder of their persons.

Among the ordinances passed by the New Jersey Congress in February and March of 1776 was one under which persons refusing to sign an Association were to be disarmed and required to give sufficient security for good behavior and to pay the expenses involved. Aggrieved persons could appeal from their Township Committee to the County Committee, and then to the Provincial Congress—paying all costs. The Commissioners could confine any person they thought dangerous, even though he offered security. All persons who would not bear arms because of religious faith were to pay ten shillings Proclamation Money

for each and every failure to appear for general muster or review, provided these functions occurred no more than three days in the year.[15] Later in 1776, colonels of the Colony were authorized to disarm all who refused to bear arms in the service of the State for any reason. They were, however, to give a receipt and an appraisement to the persons from whom arms were taken.[16]

After the Constitution of New Jersey was adopted on July 2, 1776, stricter measures were taken to insure the safety of the State against the actions of the loyalists and their sympathizers. An ordinance for punishing treason and counterfeiting was enacted July 18, 1776, and provided that all accused persons were to have a trial before conviction and punishment.[17] On August 2, 1776, it was resolved that the county commissioners should take inventories and appraisements of the real and personal estates of all persons who had "absconded from their homes, and joined themselves to the enemies of this State." All perishable articles were to be sold and the monies received, as well as other goods and estates of such persons, were to be kept in safe custody until further direction of the Convention. The county committees were to be empowered to leave any parts of these estates in the hands of the relations or friends of the absconding persons, "taking such security as they may think proper for the return thereof, or of the value."[18] "An Act for the Security of the Government of New Jersey,"[19] which repealed the old loyalty oath to the king and prescribed a new oath of allegiance to the government by authority of the people,[20] was passed September 19th.

On October 4, 1776, "An Act to punish Traitors and disaffected Persons"[21] declared that every person owing allegiance

[15] *Ibid.*, pp. 407-408.
[16] *Ibid.*, p. 486.
[17] *Ibid.*, p. 561.
[18] Peter Force, *American Archives* (Fifth series), I, 726.
[19] *Votes and Proceedings of the General Assembly of the State of New Jersey*, 1776. This act was repealed November 19, 1788.
[20] *Ibid.*
[21] *Laws of the State of New Jersey*, 1776.

to the government of New Jersey who levied war against the State or adhered to the King of Great Britain or other enemies of New Jersey or the United States was guilty of high treason. Any person defending the authority of Great Britain after the publication of this law was to be tried, and, if convicted, was to be punished by fine and imprisonment at the discretion of the court; the fine not to exceed £300, nor the imprisonment one year. Persons reviling the governments of New Jersey or the United States were to be punished in the same fashion. Any two justices of the peace could summon such persons by warrant, and tender and administer to them the oaths of abjuration and allegiance. If they refused to comply, these individuals could be bound over to the next Court of Quarter Sessions with sureties, and had to behave well meanwhile. If they refused to be bound, they could be sent to jail.[22] The enactment of this law fanned the hatred already existing between Whigs and Tories, which had been growing stronger steadily as marauding bands of both groups pillaged and plundered at will—the Whigs in the name of patriotism and the Tories in retaliation.

Actually, New Jersey had suffered the ravages of war from its defenders before a single enemy soldier had set foot in its territory, because the undisciplined Continental troops and militiamen ruined property, tore down fences, and used any movable wood for fuel. This situation became so menacing that, on February 3, 1777, Governor Livingston reminded the legislature that persons and their property must be protected from plunder by the militia, and he asked for a more stringent law to reduce them to order, for General Washington had reported many of the militia officers were "of the lowest Class of People; and, instead of setting a good Example to their Men, are leading them into every Kind of Mischief; one Species of which is, Plundering the Inhabitants, under pretence of their being Tories. . . ." Livingston added that the violation of private property, "a Practice which, however attempted to be dignified

[22]This law was strengthened on June 4, 1777, by the passage of "An Act for rendering more effective two certain Acts therein mentioned," and by the Act of October 3, 1782.

with the Title of Patriotism, or justified under the Idea of Inflicting condign Vengeance on the internal Enemies of our Country, is not only repugnant to the Laws of the Land, whereby every Man's property is secured and protected, until it be declared forfeited by judicial Process, but has a manifest Tendency to inflame the Minds of the Sufferers . . . at a Time when we ought to be more especially studious of cultivating Unanimity and Concord. . . ." On February 19th the Governor asked for legislation to provide for judgments against persons who had given bonds not to carry on business with the enemy and since had left the State; and requested that such a bill also include a provision for the confiscation of the New Jersey properties owned by these persons.[23]

The ever present problems of desertion to the British forces and of civilian aid to the enemy caused the governing bodies of New Jersey to present and discuss various counter measures that appeared to promise some degree of success. The act of October , 1776[24] had been found insufficient to answer all the salutary purposes intended and was one of the measures referred to in an "Act for rendering more effectual two certain Acts therein mentioned," which was adopted on June 4, 1777.[25]

By this new law, the legislature empowered the governor, commanders-in-chief, the Council of Safety,[26] and certain persons in each county to grant passports and permissions to pass through any part of the State.[27] Persons traveling without passports or suspected of dangerous designs against the State were

[23]*Votes and Proceedings,* 1777; Theodore Sedgwick, Jr., *A Memoir of the Life of William Livingston* (New York: J. and J. Harper, 1833), p. 224; John C. Fitzpatrick (ed.), *The Writings of George Washington* 1745-1799 (Washington: Government Printing Office, 1932), VII, 57.

[24]See p. 80.

[25]*Laws of the State of New Jersey,* 1777.

[26]A Committee of Correspondence and Safety was formed in New Jersey in 1774, but little was known of its operations until the spring of 1776. It became the Council of Safety when recognized by the legislature on March 15, 1777. The Council met almost daily and in different parts of the State until it was allowed to lapse in October 1778. John Whitehead, *The Judicial and Civil History of New Jersey* (Boston: The Boston History Company, 1897), pp. 330-331; *Minutes of the Council of Safety,* IV, 231-233.

[27]*Laws of the State of New Jersey,* 1778.

to be held under guard until investigation proved their status, and counterfeiters of such passports or permissions were subject to six months' imprisonment.[28] The law of 1777 declared that any person owing allegiance to New Jersey apprehended on his way to the enemy lines, camps, or places in their possession without license, permission, or passport from the commander-in-chief of the United States Army or a militia brigadier-general of New Jersey, was guilty of a capital felony and, upon being convicted legally thereof, was to suffer death. Any such person having gone voluntarily into the enemy's areas and then having returned to New Jersey in a secret or clandestine manner, or without papers required by law, was also to suffer death upon conviction. If, however, the Governor and Council permitted such an offender to enlist within six days for service aboard any United States war vessel, he could be released from prison and his enlistment would be considered a full pardon for his offence. The governor or commander-in-chief could legally send into the enemy's lines such of the wives and children of persons lately residing in New Jersey, who had gone over to the enemy, as they thought necessary. A person charged with treason under the original act of October 4, 1776, could be tried for the crime in any county of the State regardless of the place where the act was committed, "any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding."[29]

During 1777 and 1778, the Council of Safety were given almost absolute power over the lives and properties of the Tories. On June 24, 1777, the Council ordered that the wives and children of certain loyalists be escorted to the British lines,[30] and on July 11th decided that it would be an advantage to the State to send

[28]*Minutes of the Council of Safety,* I, 61.

[29]By "A Supplemental Act to the Act, intitled, An Act to punish Traitors and disaffected Persons," enacted October 3, 1782, every subject of New Jersey who, since October 4, 1776, had aided and assisted the enemies of the State and of the United States "by joining their Armies within this State or elsewhere" or who had gone voluntarily to the enemy and then returned to New Jersey after the passing of this act was declared guilty of high treason against the State and, upon legal conviction, was to "suffer Death without Benefit of Clergy . . ." The act was repealed November 24, 1791. *Laws of the State of New Jersey,* 1782, 1791.

[30]*Minutes of the Council of Safety,* I, 70.

the wives of all loyalists into the British lines because they "obstruct the Commissioners for seizing and disposing of the personal Estate and Effects of their husbands in the execution of their Commission, by secreting and concealing the same."[31]

It should be noted here that citation before the Council of Safety, in itself, was not evidence of disaffection. All male adults were required to take the oath of allegiance and some staunch patriots were summoned to do this. On July 31, 1777, the Council authorized the apprehension of persons who had gone over to the enemy after October 1776, and since returned without proper passes and without taking the benefit of the Act of Pardon. The Council also authorized the apprehension of persons who, thereafter, might go to or return from New York without proper passes, and persons who had been guilty of plundering the inhabitants of the county. Accounts of the acts of prisoners also were to be sent to the Council for the purpose of proving the offences. The witnesses were to prove these infractions or to send their written affidavits, taken before a civil magistrate.[32]

New approaches to the problem

Meanwhile, the New Jersey legislature tried a different approach toward the loyalist danger with the Act of Free and General Pardon, June 5, 1777. This measure aimed to draw the Tories to the new government and, in order to enable persons who had supported the king at first to change sides if they wished, the act provided that inhabitants who returned to their allegiance to the State by August 1st were to be freed of disabilities affecting persons considered traitors. They were to receive certificates costing two shillings from the justices before whom they took the oaths and were, thus, "fully, freely, and absolutely pardoned, released, and discharged of and from all Treasons and other Offences" specified in the Act of October 4, 1776; and restored to all rights, privileges, and liberties "of other and good subjects of this State." During this period, the

[31] *Ibid.*, I, 66; II, 84.
[32] *Ibid.*, II, 109.

personal estates of inhabitants who failed to comply were to be seized and converted into cash which was to be kept for their use in the event they returned within the time prescribed; otherwise the money was to accrue to the State;[33] the real property was to be absolutely forfeited to the State and "all Sales and Alienations thereof, and of all or any of the Real Estate of such Offender, in the mean Time made by him, or any of his Agents or Attorneys, are hereby declared to be null and void to all Intents and Purposes whatsoever."[34]

While this enactment caused an undetermined number of people to take the prescribed oath, enough others remained sufficiently indifferent to the threats of punishment to continue their hostile activities. Further steps toward protection were taken on July 19th, when the Americans collected and drove away the cattle in Bergen County immediately exposed to the enemy. On August 26, 1777, the "Governor and Council confined a number of disaffected inhabitants, . . . to be released for an equal number of honest citizens stolen and imprisoned in like manner, . . . Thus to retaliate, till the enemy shall think proper to discontinue that infamous part of their infamous system."[35]

On December 10, 1777, the legislature voted into law an act for taking charge of, and leasing the real estates and forfeiting the personal property of, certain fugitives and offenders. It provided for enlarging and continuing the powers of the commissioners appointed "to seize and dispose of such Personal Estates and for ascertaining and discharging the lawful Debts and claims thereon."[36] The commissioners were to demand of the justices of the peace a written precept summoning a jury of freeholders of the county to inquire whether the persons whose personal estates were seized were offenders within the meaning of the act. The precept was to be returned at the latest within

[33]*Votes and Proceedings*, 1777.

[34]*Acts of the General Assembly of the State of New Jersey*, 1777.

[35]Daniel Van Winkle, *Old Bergen* (Jersey City, N. J.: John W. Harrison, 1902), p. 111.

[36]The act was amended on April 18, 1778.

fifteen days. At the court, the commissioners were to show evidence justifying their seizures. Persons owing money to loyalists were to pay it to the commissioners within two months after judgment was entered (or within one month if they became owners of such goods late), or forfeit double the value of the goods so held or concealed, and which could be sued for and recovered, with costs, by the commissioners. The commissioners were to keep books of the transactions and to receive as compensation five per cent commission upon all monies received by them on behalf of the State.[37]

A new step to limit the scattering of information vital to the State was taken when an act to prevent New Jersey "subjects" from going into or coming out of the British lines without permissions or passports and for other purposes was presented to the Assembly, October 2, 1778, and passed on the 6th.[38] On December 12th the governor was empowered to authorize militia officers to remove to places of safety livestock, provisions, and carriages, upon notifying the owners of imminent invasion by the enemy.[39]

The next important measure to limit the transfer of goods and ideas was the act of June 10, 1779, designed to prevent persons from passing through the State without proper passports. No one except public officials and members of the legislature was to pass through any place outside his county of residence without a passport of New Jersey or the United States. No residents of other states were to be permitted to travel within the State unless they held commissions under the United States or passes from the commander-in-chief or a general officer of the United States Army; or from one of the delegates of Congress from the person's state of residence. All state officers were given the right, in the presence of two witnesses, to examine travelers. Persons not having proper passports were to be jailed by the justice of the peace or made to return in the most direct

[37] *Laws of the State of New Jersey*, 1778.
[38] *Ibid.*
[39] *Ibid.*

way to their homes. If proof were offered that they should be discharged from jail, this would be done upon payment of costs by the prisoner. Innkeepers and ferrymen who permitted persons without proper documents to be entertained or transported were to be fined £20 for every such offence plus the costs of court. One-half of this money was to go to support the poor of the township and the other half to the prosecutor. The act was supplemented on December 25th.[40]

A revision of the acts of June 10th and December 25, 1779 was adopted on December 22, 1780. Persons disobeying the law were to be "pilloried, cropped, and imprisoned during the war," or, if they were able-bodied males they were to serve on board a vessel during the war if they refused to move into an interior part of the State. They were disfranchised, never to be allowed to hold state office, and were to forfeit their whole real and personal estates which descended to their heirs. The person prosecuting such offenders to conviction was to receive out of their estates not less than £10 nor more than £100. The *habeas corpus* act was suspended in these cases.[41] A further regulation to prevent illicit trade and contacts between the subjects of New Jersey and the enemy was enacted on June 24, 1782.[42]

Confiscation of property

As feeling among partisans on both sides continued to rise with the passing months, the idea of confiscating Tory property as a form of punishment for loyalist activities against the State appealed more and more to the legislature. On December 11, 1778, one of the strongest measures against the loyalists in New Jersey was taken with the passage of the "Act for forfeiting the *real estate* of certain fugitives and offenders and for directing the mode of determining and satisfying the lawful debts and demands due from or made against such Fugitives and

[40] *Ibid.*, 1779.
[41] *Ibid.*, 1780.
[42] *Ibid.*, 1782.

Offenders; and for other purposes therein mentioned."[43] The real estates of these persons were forfeited to, and vested in, the State of New Jersey forever. Any one who had aided the enemies of the United States between April 19, 1775, and October 4, 1776, and who had not since taken the oath of allegiance to New Jersey, was declared guilty of high treason against the State.[44] Following conviction on the charge by inquisition, and after final judgment was entered in favor of the State, the defendant's personal and real estates were entirely and absolutely forfeited. The conviction, however, was not to affect the person of the offender, but only his or her estate. An inquisition was an inquiry concerning charges or suspicions, and even if bound over, bailed, or committed, persons against whom inquisitions were ordered were entitled to a court trial. The incursions of British forces into various counties in New Jersey caused the legislature to permit inquisitions to be had in, and loyalists to be committed to jail in, counties other than the ones in which the defendants resided.[45]

When an individual was suspected of disloyalty, a justice of the peace summoned a jury of twenty-four freeholders to hear the evidence presented by the Commissioners of Forfeited Estates. If the offender were found guilty, a written verdict (inquisition), signed by at least twelve of the jurors, was certified to the justice of the peace. The inquisition then was advertised and presented by the justice to the next Inferior Court of Common Pleas held in the county where the suspect resided or had his property.

When the court met, either the person against whom the

[43]*Ibid.*, 1778.

[44]*Ibid.* By the law of March 17, 1780, the legislature provided that persons charged with treason in New Jersey, when apprehended in other states, were to be brought back to New Jersey for trial.

[45]On March 3, 1777, the Assembly appointed a committee to prepare a bill enabling the magistrates to order to any jail or jails in the State "such Persons as they find dangerous on Examination." On October 19th, the Council of Safety ordered that persons guilty of treason, or "any crime or offence specified in" certain other acts, were to be tried in Morris County "Altho' the offences they be charged with or were committed for, were done and perpetrated in any other County." *Minutes of the Council of Safety*, II, 83-84; III, 152; *Votes and Proceedings*, 1777.

inquisition had been found, or some one on his behalf, was required to post one thousand pounds or any other sum directed by the court and a trial would be held. If this were not done, the Commissioners were to advertise the matter in five of the most public places in the county and in the New Jersey *Gazette* within thirty days. If any one then put up the security, a trial would be held and the accused given a final opportunity to contest the judgment. If the inquisition were not traversed, it was taken to be true, and final judgment against the offender was to be entered in favor of the State. Thereupon, the court issued a writ to the Commissioners directing the sale of the property. Confiscated estates were to be sold by the Commissioners at public vendue after ten days' notice of the time and place of sale had been given by advertisements, describing the principal articles to be sold and posted in five of the most public places within ten miles of the place of sale.

Real property left without legal or rightful public occupants and subject to great waste or damage by the enemy was to be leased by the Commissioners until the legislature could take further action, tenants being responsible for the rent and proper care of the premises. Commissioners were permitted legally to take into their "care, possession, and management" all such properties and to lease them for a term not exceeding one year from March 21, 1778. Quartermasters of the army taking forfeited property were made accountable for it. The same procedure was to be used against loyalists of other states who owned land in New Jersey.

The statute provided that real property was to be disposed of by a writ from the Court of Common Pleas in the county in which the estate was situated, directed to the Commissioners of that county. If any proceedings by which these sales were made were reversed later or "made void by Error or any other cause whatsoever, the reversal" was not to affect or injure "any *bona fide* purchaser under this Act; but . . . the State only"; and in such cases the plaintiffs were to apply to the legislature and be indemnified from the public treasury "to the amount of the purchase money received for such estate." All sales and transfers

of any kind of property made by persons whose estates were forfeited or forfeitable, or their agents, after the offence had been committed, "if made with a view to deprive the state of the benefit of such forfeiture," were declared fraudulent and void. The estates of deceased persons were to be proceeded against as if the owners were alive. Persons who later were pardoned for offences against the State were not to be entitled to recover their estates by this means; and persons who joined or aided the British were not to be eligible to any office of profit or trust under the State.[46]

Under this act some loyalist estates were confiscated in 1778 and 1779, but poverty and the depreciation of the currency that became more widespread as the war went on, made it necessary to discontinue the sales until more favorable times. Thus, on June 26, 1781, sales of real properties, which had or would become forfeited to the State later, were suspended by law.

Post-war developments

On December 16, 1783, the Commissioners were directed to proceed with the sale of confiscated lands and the legislature repealed the act of 1781.[47] In August of the following year, however, sales were suspended until March 1, 1785, because of numerous frauds committed by some township collectors in issuing surplus certificates.[48] Further suspension of the sales of confiscated property was ordered December 20, 1784, because of the unsettled state of certain certificates and notes that were legally receivable for such land. This suspension was to remain in effect to March 1, 1786. Later, an act for selling proprieties, shares of propriety, and rights to unlocated lands of persons whose estates had been forfeited, and to resume the sale of confiscated estates was legislated June 6, 1786. The agents were to sell, as soon as possible after September 1, 1786, the real estates against which final judgment had been entered for the

[46] *Laws of the State of New Jersey*, 1778.
[47] *Ibid.*, 1783.
[48] *Acts of the General Assembly*, 1784.

State previous to February 3, 1783. This act repealed that of November 28, 1785, which had suspended sales to March 1, 1787.[49]

The Treaty of Paris, which was ratified in 1783, contained two sections respecting loyalists and their property. Article 5 stated that the Congress would recommend to the state legislatures that they provide for restriction of the confiscated estates belonging to real British subjects and to persons in areas occupied by British forces, if these persons had not borne arms against the United States. Also, that former loyalists be permitted to move freely within the United States for a year in order to obtain restitution of their property, and that no legal impediment be put in the way of heirs and others working to obtain their just rights. Article 6 provided that no future confiscations were to be made or prosecutions commenced against any one because of the part he had taken in the Revolution, and that no one, because of this, should suffer any future loss or damage either in his person, property, or liberty; and that persons confined on such charges when the treaty was ratified by the United States were to be set free at once and prosecutions commenced against them discontinued.

Despite these provisions of the peace treaty, sales of forfeited loyalist property in New Jersey were made to the highest bidder for several years after 1783. In reality, partisan feeling throughout the state seemed to increase rather than subside after formal hostilities ceased. Ignoring the treaty provisions, therefore, the law of June 6, 1786, provided that the sale of forfeited estates was to be resumed as soon as possible after September 1st. Notwithstanding the efforts made in this direction, however, all the confiscated loyalist property had not been sold by 1794, and the legislature, on February 18, 1794, attempted to speed the closing out of these accounts by authorizing the appointment of agents to take charge of and sell the estates.[50]

The problem of forfeited lands was taken up again by the

[49] *Ibid.*, 1786.
[50] *Votes and Proceedings*, 1794.

legislature in 1807. On November 19th the committee assigned to study cases reported their inquiries had led them to believe that a considerable amount of forfeited property remained in different parts of the State either unclaimed or held by collusion, "which may be recovered by a diligent pursuit" by properly authorized agents, and they recommended the appointment of one or more commissioners to "investigate, pursue, and recover to the use of the state all such forfeited real estate as may be found in any part of the state."[51]

After a year of discussion, "An Act respecting forfeited Estates" was passed November 18, 1808. Three commissioners for each county were appointed and the signature of any two was made as good and valid in law as if all three had acted together. The commissioners were obliged to reside in the counties for which they were appointed. All real estates of any kind that had been forfeited to or vested in the State in pursuance of the Act of December 11, 1778, which remained unsold by the State, were to be disposed of by writ or process issued by the Court of Common Pleas in the county where the estate was situated, and directed to the commissioners of that county. Upon application of the commissioners, writs were to be issued by the clerk of the court, who was to keep a record of these writs in a book. The commissioners were to sell at public vendue all such forfeited estates, giving notice of the time and place of sale, at least two months before the date, by advertisement in New Jersey papers and in three or more of the most public places in the county where the estate lay, particularly describing the premises to be sold. Sales were to take place between twelve and five o'clock of the designated day, subject to adjournment at the discretion of the commissioners for any time not less than fourteen days. After receiving the full purchase money, the commissioners were to give a deed for each estate "therein reciting the writ by which they were directed to sell such estate," and the deeds were declared by this act to be fully lawful.

[51] *Ibid.*, 1807-1808.

If any sale made under the act should be reversed later, or made void for error or any other cause, the reversal was to operate only against the State, and indemnities to the purchasers were to be granted on the same terms as named in the act of December 11, 1778. Any persons giving information about forfeited estates theretofore undiscovered, and from which the State would derive advantage, were to be rewarded at the discretion of the commissioners not to exceed thirty-five per cent on the benefit accruing to the State. The commissioners were to pay the moneys received to the State within three months after sale, and were to be allowed a percentage of the receipts as determined by the legislature upon examination of the proceedings. The governor was to fill vacancies caused by resignation or death of the commissioners, and persons refusing to serve after accepting appointment were to be fined one hundred dollars. The commissioners were liable, also, under the law for monies received from sales.[52]

The act of November 1808 was repealed on February 12, 1817 and on June 13, 1820, but sections 2, 4, and 5 of the 1808 statute[51] were revived on February 26, 1830, and declared to be in full force and effect, as much as if they had never been repealed; provided that nothing in the act should be construed to impair the legal and vested rights of any person or persons whatsoever.

Section 2 of the Law of 1808 provided that all real estates forfeited to and vested in the State under the act of December 11, 1778 and which remained unsold, were to be disposed of at public vendue by the commissioners in each county. The commissioners were to give a deed to the land sold and this was to be a valid document vesting full ownership in the purchaser. Section 4 provided that persons giving information to the commissioners of any unsold forfeited estates were to be rewarded at the discretion of the commissioners, but not to exceed thirty-five per cent of the amount paid the State for the property. Section 5 directed the commissioners to pay all sums received from sales of forfeited property to the State Treasurer within

[52]*Laws of the State of New Jersey*, 1808.

three months after the sale, and provided that the commissioners receive a percentage as determined by the legislature.

By the law of 1830, the governor of New Jersey was authorized to appoint three commissioners for any county of the State, any two of whom should possess the same powers as the commissioners appointed in the "first section of the act to which this is a supplement," and with which they were invested by the provisions of the act of 1808. The Act of 1830, officially titled "An Act in revival of 'An Act respecting forfeited Estates,' " was the last to deal with forfeited loyalist estates in New Jersey. The law was still on the statute books in 1847, but had lapsed some time before 1874, when another revision of New Jersey laws was published.

The Two Elizabeth Carterets

SOPHIE H. DRINKER

Two ladies, each bearing the name "Elizabeth Carteret," grace the pages of New Jersey's early history. The elder was the wife of Sir George Carteret, the first proprietor. The younger married Captain Philip Carteret, the first governor. Both women belonged in spirit to the seventeenth century and lived according to the standard set for women by seventeenth-century English society. One had eight, the other ten children. Both had husbands with high positions in government. Both served as helpmates, understanding the business of managing large households, of supervising the sources of revenue, and of spending the family income. Both became sole executors of their husbands' estates. As widows, they accepted the usual responsibilities of femes soles, especially the guardianship of their children. It is, no doubt, on account of the similarity in their activities, as much as in the similarity of their names, that historians have now and then confused the two women and so offered the opportunity for presenting here a few pertinent details of the busy, useful lives of the two Elizabeths.

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Elizabeth de Carteret de Carteret (1615-1669)

The elder woman was herself a Carteret of the Isle of Jersey in the English Channel. She and her first cousin George (five years her senior) fell in love with each other and were married in 1640 at Mont Orgueil, Jersey.

George's roots were as deep in Jersey soil as Elizabeth's. The Carterets had been holding land there since the twelfth century. In 1643, George succeeded his uncle Philip, Elizabeth's father, as Bailiff of the island. But he had been brought up to be a naval officer and spent much of his time at sea. During his courtship, in 1639, he was captain of the "Leopard."[1]

By a happy chance, a letter from the "sea-boy"[2] lover to his "dear Betty" has survived the "tempestuous winds and weather" of more than three centuries of social upheavals. And yet, its protestations of devotion have the quality of that kind of affection that does not change with governments and political theories.

My most Dearest Heart.

I have not received any letter from thee this many days which doth cause me to be a very great observer of winds and weather, but we have had so tempestuous winds this long time that the barques could not possibly come over; but I wonder that your father hath omitted all this time of writing by the way of France which is a ready way and far more certain than any other within this month.

I have written unto you two letters which I sent by way of France and I believe are in your hands before this time. This I am sending to Hampton to stay for passage with divers others which I sent thither long since and are still there. Here is a Jersey barque ready to set sail for Jersey within this three days; by that conveyance, I will write to my Dear Love and will send her the things she did write for. My business here makes me so uncertain how to dispose of myself that I know not what to write unto thee concerning that particular but only that I do wish with my soul my dear Betty here and I should not stay long before to invite your speedy coming over but that I do fear that it will not be suitable to some of my dearest friend's desires. I have already written unto my dear heart upon this subject which makes me desire fervently to hear from thee.

[1]G. R. Balleine, *Biographical Dictionary of Jersey* (New York, 1948).
[2]Lady Anne Fanshawe, *Memoirs* (London, 1905), p. 71.

The man of war tells me that your mother was resolved at his coming away to come over hither this next summer, and that your father did condescend thereunto. I should be exceeding glad that it were so resolved and indeed it will be very necessary for them to make a journey into England, if it were but for your sisters which are not like to get husbands where they are except Pegge do marry the rich French monsieur that came to her the last summer. But why do I busy my head about other people's business that do so little concern me! You may see by this that I do want material to write but not love and affection to cherish and to honor thee as long as I live.

I shall not write unto any others beside yourself at this present for I have lately written and will again by the barque that goeth from hence.

I will take my leave of my dear heart and wish her a Merry New Year and would to God that I were now in Jersey to put myself in your arms for a New Year's gift which I believe would be acceptable to my sweet Betty unto whom I will be as long as I shall live a most faithful and most humble and devoted servant.[3]

G. C. Carterett

And another letter from the "most passionate man in the world"[4] is dated July, 1639: "This day I landed the Earl of Leicester at Dieppe, who has given me a chain of gold. How much it is worth, I know not. But such as it is, I give to my dear Betty. If you think fit, I will sell it and put the money in a collar of pearls."[5]

In the dining-hall of the old Manor of St. Ouen, on the Isle of Jersey, hang portraits of "merry, boyish" Sir George and the "noble lady" Elizabeth painted by Sir Peter Lely, famous for his depictions of the ladies of Charles II's Court. Elizabeth is dressed in a maize colored silk robe. The beautiful pearls she wears may have been the gift of her husband.

Unfortunately, domestic tranquillity and conjugal happiness at Elizabeth Castle were disturbed by the English Civil War, brought to Jersey by the Parliamentarians. As Royalists, the Carterets defended the King's interests. When the war was over

[3]Calendar of State Papers, 1639-40. Domestic No. 19 (Jan. 2, 1639). Public Record Office, London.

[4]Samuel Pepys, *Diary*, July 31, 1665. This and the following characterizations are quoted from Pepys' Diary.

[5]Balleine, *op. cit.*, p. 56.

George was rewarded for his loyalty. The King called him to London, appointed him Privy Councillor and later gave him other important government posts.

After the Restoration, London life was notorious for its frivolity and immorality. But the Carterets brought simplicity and sincerity from their Island home. Elizabeth was shocked by the vices of the Court. She did "much cry out upon these things . . . and that which she believes will undo the whole nation."[6]

So wrote Samuel Pepys in his Diary about the friend he had admired from the moment he met her. His entry on Sept. 24, 1666, read: "Here I saw my Lady Carteret lately come to towne . . . I must make much of her for she is a most excellent woman."

Of Sir George, Pepys said: " . . . in his humour, a very good man and the most kind father and pleased father in his children that I ever saw."

The Carterets' house at Deptford was evidently the scene of a happy, wholesome family life. Pepys described his pleasure in going there: " . . . and then in-doors to talk with all and with my Lady Carteret and I with the young ladies and gentlemen who played on the guitar and mighty merry and anon to supper and then my Lord going away to write, the young gentlemen to flinging of cushions and other mad sports . . . till towards twelve at night . . . ."

Among the enormous tracts of land on the new continent, which Charles II gave away, were seventy-five thousand square miles between the Hudson and Delaware Rivers. The grantees of this territory, called New Jersey, were Sir George Carteret and John, Lord Berkeley, two of his Majesty's "most honorable Privy Counsell."

Neither Sir George nor his wife came to the Colonies. They appointed young Philip de Carteret, their fourth cousin, to be the first governor. Philip sailed from England, in April 1665, with a party of emigrants. Landing in New Jersey in August, he found a small settlement already there, three miles within a creek opposite the west end of Staten Island. This he promptly named Eliza-

[6]Pepys, *op. cit.*, Oct. 15, 1666.

beth Towne, in honor of his cousin Elizabeth, the wife of Proprietor George Carteret.[7]

In 1674, Lord Berkeley sold his share of New Jersey to the Carterets, leaving Sir George the sole owner.

George died in January 1680. By his will, he appointed a group of noblemen as trustees of his vast estate and made his wife sole executrix. Proving that he did "cherish and honor" her "as long as he lived", he also designated her guardian of their grandson George, the heir, then a boy of ten.

In official terms: "The Right Honorable, the Lady Elizabeth Carteret, Baroness, Widow, the Relict and Sole Executrix of the Right Honorable Sir George Carteret, Knight and Baronet deceased, late Lord Proprietor of the said Province, and grandmother and guardian to Sir George Carteret, Baronet, grandson and heir of the said Sir George Carteret, deceased, the present Lady Proprietrix of the Province aforesaid"[8] was the administrator of New Jersey's government.

A seventeenth-century wife accepted such responsibility as a matter of course. At that time, before the industrial revolution with its factory system and office life, men worked on their own farms or conducted a business from their homes. If they were aristocratic landowners, their business was to manage their estates profitably. In any event, a man's wife was his second in command, his helpmate. If left a widow, she became the head of her family and continued with whatever business she had engaged in with her husband. It was not only the warm personal marriage relation Sir George had with his wife that prompted him to leave her in control of his fortune; it was also a business partnership founded on custom.

In Elizabeth's case, the responsibility was greater than any that could be accorded an individual in the democratic societies of today. New Jersey had been granted on a feudal basis. The proprietor, or owner, had almost unlimited authority, answerable only to the Crown. He was, in fact, like a king on a small scale.

[7]Rev. Edwin F. Hatfield, *History of Elizabeth, N. J.* (New York, 1868), pp. 178, 184.

[8]Hatfield, *op. cit.*, p. 210.

He could rule the people himself or he could select a deputy. He collected the rents from land and appropriated some of the profits from trade. Because Sir George's heir was a minor and because he owned the Province as a feudal baron, his executrix had a similar status. In the language of royalty, she was "regent."

Curiously enough, the neighboring province of Pennsylvania—another feudal proprietorship — also fell under the beneficent control ofthe owner's wife. Hannah Penn managed her husband William's affairs, including the administration of the Colony, during his long illness from 1712 to 1718, and after his death during the litigation over the interpretation of his will.[9] As the theory of self-government displaced feudal principles, the situation that Hannah Penn and Elizabeth Carteret found themselves in soon ceased to exist in America. The fact that it ever prevailed has been almost forgotten, but without the knowledge of its former significance one can hardly appreciate Lady Elizabeth's status and activity.

Dame Elizabeth, as she was now called, and Governor Philip exchanged letters concerning the business of the Colony. Patents for land went out under her name. Current rents and arrears due to Sir George at the time of his death were now payable to her as executrix.[10]

The principal problem at hand was the dispute with Sir Edmund Andros, Governor of New York, about the jurisdiction of parts of East New Jersey, especially Staten Island. Andros issued a proclamation to the people that Governor Carteret had no authority over them. The upshot of the bitter quarrel was that Andros sent soldiers to arrest Philip and kept him in prison for four weeks during May 1680. He finally released the Governor of New Jersey under pledge that he would not interfere with New York's claims.[11]

[9]Sophie H. Drinker, *Hannah Penn and the Proprietorship of Pennsylvania.* Published by National Society of the Colonial Dames of America in the Commonwealth of Pennsylvania, 1958.

[10]*Archives of the State of New Jersey,* 1st series, XIII, 20.

[11]*Archives,* 1st series, I, 293, 337, 346, 353, 356, 366, 369.

Upon receiving news of the controversy and of Philip's imprisonment, Elizabeth appealed to James, Duke of York, about New Jersey's rights and received assurance: "His Royal Highness . . . doth wholly disown and declare that Sir Edmund Andros had any such order or authority from him for the doing thereof . . . . "

But not until the following March (1681) could Philip announce an order from the Executrix to the New Jersey inhabitants: "This is to give notice to all to whom it shall concern, that I have received an order in a letter from the Right Honorable, the Lady Elizabeth Carteret, bearing the date September 1680 . . . with an absolute command not to take notice of any commissions, warrants or orders from Sir Edmund Andros . . . . "

During the summer of 1681, Philip continued his correspondence with Dame Elizabeth. In his letter of July 30th, he enclosed an answer from Captain Brockholls (Commander-in-Chief of the New York government) to the New Jersey Council's demand for jurisdiction over Staten Island. He commented that Staten Island was "as much your Honor's due as any other part of this Province." Before closing his letter, he promised to keep her informed of everything that occurred, always as her "most humble and faithful servant."

Other evidence that the Governor accepted her authority can be seen in his remarks to Captain Bollen: "I advise you to address yourself to the Commissioners of the Custom House . . . and desire their assistance to my Lady Carteret in this business . . . . " Also, "I have written to my Lady Carteret about Amboy and some other concerns of my own . . . . "

Shortly after, the Trustees and the Executrix of the Carteret estate decided to sell New Jersey. The lease to the twelve purchasers was signed by the Trustees and by Elizabeth in February 1682. A facsimile of Elizabeth's signature can be seen offset in W. W. Whitehead's *East Jersey Under the Proprietary Government.*

Elizabeth's work as administrator of New Jersey came to an end. But she has not been forgotten. In 1925, her descendant, Col.

E. C. Malet de Carteret, presented a replica of Lely's portrait to the city of Elizabeth, New Jersey.[12] It now hangs in the Free Public Library there and brings to life that "most excellent woman" who, at one time, had ultimate authority in handling New Jersey's affairs.

Elizabeth Smith Lawrence Carteret Townley (c. 1642-1712)

In the meantime, another Elizabeth had been growing up on Long Island, not far from New Jersey. Born and bred on American soil as the daughter of Richard Smith, founder of Smithtown, and of Sarah Folger, a native of Newburyport, Massachusetts, this girl's wits were sharpened, her common sense and resourcefulness developed, by the challenging life of a pioneer family.

In 1664, Elizabeth Smith became the second wife of William Lawrence. He was a man of property and held a patent for land at Flushing, Long Island. Upon his death in 1680, Elizabeth received a letter of administration from Governor Andros of New York, enabling her to settle her husband's estate, and a certificate allowing her to be the legal guardian of her seven children.[13]

Shortly after Mr. Lawrence's death, Elizabeth married Governor Philip Carteret and so became another Elizabeth Carteret. How she met Philip, whether he was an old acquaintance or a new one, is a mystery. At all events, she and her children went to Elizabeth Towne and lived with Philip in the large white house, surrounded by orchards and two thousand acres, which he had built for himself in 1674 and which he used as government headquarters.

Before the marriage took place, Elizabeth signed a pre-marital agreement with Philip Carteret, reserving the right to leave the Lawrence property she had inherited to her Lawrence sons.

On account of the still valid feudal laws which prevented a married woman from holding property in her own right, such

[12]Replica by Ernest Carles painted before World War I. (See *Proc. N.J.H.S.*, new series, XI, April 1926.)

[13]Thomas Lawrence, *Historical Genealogy of the Lawrence Family* (New York, 1858), pp. 135, 136, App. B & C.

an agreement was commonly made by widows of wealth. It was a legal device accepted by every one for keeping a man's property in his own family. As long as the mother was a widow, a feme sole, she had control of her own affairs, but as soon as she remarried and became a feme couverte, whatever she possessed fell into the hands of her new husband.

These presents witness that whereas there is a purpose in joining in marriage with Captain Philip Carteret of New Jersey, it is jointly and fully agreed between him the aforesaid and me, Elizabeth Lawrence, late wife of Captain William Lawrence of Flushing, deceased, that I, the aforesaid Elizabeth, doe reserve liberty to give and dispose of all my right of land and meadow or housing within the neck called Tew's Neck unto any of my sons whom I shall see good and that no engagement whatever shall impead this agreement.[14]

Elizabeth Lawrence

Wittneth:
Richard Smith (her father)
Sarah V. Smith (her mother)
Abigail Nicolls

While Sarah V. Smith made a mark after her name, Elizabeth signed hers in her own handwriting.

At the time of Elizabeth's marriage to Philip Carteret, the controversy over the proprietorship of Staten Island was at its height. The Governor was engaged in his correspondence with Lady Elizabeth, the executrix of Sir George Carteret's estate. But after barely a year of married life, Philip and Elizabeth saw the province of East New Jersey sold to the twelve Colonial proprietors: William Penn and other Friends. Philip's work as Governor was finished. As a matter of fact, he had already retired from office. And since his health had been permanently impaired by his prison experience, he died in December, 1682. Shortly after, the "Widdow Carterett" surrendered the Governor's papers and official seals to representatives of the new proprietors.[15]

Philip left his property in the Isle of Jersey to his mother,

[14]Lawrence, *op. cit.*, p. 155, App. N. Deeds of Record, *Liber A*, Jamaica, L. I.
[15]*Archives*, 1st series, XIII, 6, 8.

Rachel Cloche de Carteret. His possessions in New Jersey: "to my most dear and loveing wife, all my houses, lands etc. . . . and name my dear wife my sole executrix."[16]

Elizabeth's first task was to inform Rachel Carteret of her son's death:

December 14, 1682
Elizabeth Town in the Province of East Jersey.

After my duty to you presented with great grief and a most sorrowful heart I must impart unto you the most unwelcome and sad tidings of the death of your son and my late most dear and loving husband who ever since that barbarious and unhuman action of Sir Edmond Andross and his merciless souldiers hath been subject to frequent and many body infirmities arising from crushes and most cruel bruises from them received which is believed hath shortened and made his life many times and at his latter end most uncomfortable to him. To the end that all the just debts which my dear husband here before hath contracted in America and England and in the Island of Jersey may be truly and duly paid in his last Will and Testament he made provision for the honorable effecting of the same by settling his estate to that purpose in which Will he had made me sole executrix and the same being proved I do stand obliged to soon cause it to be performed that persons may reap the benefit of what of right belongs to them and as touching my said husband's estate, real and personal, in America it is bequeathed unto me and charged with all his debts due to all persons inhabiting in America and as to my husband's real estate that he died Seignor of the Island of Jersey the same is bequeath unto you for and during your natural life and after your decease to be divided among his brothers and sisters according to the custom of these Islands. It was provided that you or some of you do within the space of two months after notice given in the said Islands of Jersey of his death pay or secure to be paid all his just debts contracted in the island or any part of the kingdom of England and in case you do not pay nor secure to be paid within the said limited time that in such case it shall and will be lawful for me to [enter] into and upon all and every house and houses, edifices or buildings, lands, tenements and hereditaments whatsoever within the said island and the same to possess and enjoy . . . or to dispose thereof for the satisfaction of all just and lawful debts owing to person and persons whatsoever etc., etc. your sorrowful and most dutiful daughter, Elizabeth Carteret.

It is appointed by my late husband's will that a writing shall be placed

[16]Hatfield, *op. cit.*, p. 213. Deeds, *Liber A*, II, 17, Bureau of Archives, Trenton, N.J.

upon the door of his house on the said island signifying his death which I have taken order accordingly to be done and I desire you to take notice of.[17]

This letter, printed in 1934 by Maggs Bros., London, appeared in a limited edition of only fifty copies containing Philip's correspondence with various people. The publishers sold this collection of manuscripts at auction and unfortunately have no record of the purchaser. It is specifically stated, however, that the letters are autographed and there is no reason to doubt that Elizabeth composed her own letter to her mother-in-law, wrote it herself and signed it. That she could write is proved by her signature on the pre-marital agreement.

Again, Elizabeth found herself a feme sole and head of her family with legal rights enabling her to act. Although she had no child by Philip Carteret, she still had her seven Lawrence sons and daughters. She wished to remain at Elizabeth Towne in Philip's house, which had become her home, and to benefit as much as possible from the terms of her husband's will.

Owing to the scarcity of trained lawyers, it was the custom then for administrators, executors of an estate, plaintiffs or defendants in a law-suit to appear in court with their own problems expressed according to their own needs. Many women presented their own petitions or evidence and attended to their own business.[18] Elizabeth Carteret was not tardy in taking up her responsibilities.

Then, as now, one of a householder's problems concerned domestic service. In 1682, Elizabeth signed a document to free a slave,[19] and in 1683 she "desired justice against John Durham for inveigling her Negro servant by which she has suffered wrong and loss of her service." In answer to this petition, Elizabeth was advised by the Governor and Council that "there are laws against

[17] *Autograph Letters* (Maggs Bros., London, 1934), p. 12.

[18] See the article by Sophie H. Drinker, "Women Attorneys-in-Fact of Colonial Times," to be published in *Maryland Historical Magazine,* September 1961.

[19] Lawrence, *op. cit.,* p. 148, App. K.

such matters of which she complains . . . she should take her due course at law against Durham."[20]

After the sale of Sir George Carteret's New Jersey estate, the old controversy as to whether Staten Island belonged in the jurisdiction of New Jersey or New York no longer existed. But Philip Carteret had purchased land on Staten Island for himself. Trouble with his title and with trespassers on the property in question having arisen, executrix Elizabeth sent a petition to Governor Dongan of New York praying him to give her justice.

The wording of the document bears the mark of Elizabeth's own interpretation of the situation. Unfortunately, the original petition was destroyed in Albany's Capitol fire in 1911; so whether Elizabeth actually penned it can never be determined.

The humble Petition of Elizabeth, the Widdow and Relict of Philip Carteret Esq. late Governor of the Province of East New Jersey. Humbly Sheweth:

That the Petitioner's husband had liberty granted him by Coll. Richard Nicolls, the first Governor for his Royal Highness in these parts, to cut hay for his convenience off a piece of land, commonly called Gov. Carteret's Point, which privilege likewise in the succeeding government of Coll. Francis Lovelace, about the latter end of whose time, your petitioner's husband had a grant from the said governor of a Patent for the said meadow ground, and a survey thereof was returned into the Secretary's office in order thereunto, but the surprisal of these parts by the Dutch hindered it's effects.

That in the time of Sir Edmund Andross, when the English Government was restored, he had the like privilege as before of mowing the hay off the aforerecited meadow and some disturbance therein happening after his departure, Captain Anthony Brockholls as Deputy-Governor granted an order dated August 12, 1682, for his quiet possession of the same. Notwithstanding the which your Petitioner since the death of her said husband, hath not only been molested by one John Tunissen, an inhabitant of Staten Island, pretending title to the said land, but having by her servants taken off some hay from the said meadow ground, hath been arrested for a trespass in the Province of East New Jersey, where on Wednesday next (if not prevented by your Honor) a trial for the same will be: Shee therefore humbly prays: That your Honor will be pleased

[20] *Archives,* 1st series, XIII, 118.

to put some stop to the said proceedings in New Jersey, the trespass (if any) being committed in this government, so wholly out of the cognizance and jurisdiction of any other courts and only tryable here, where your petitioner shall always be ready to answer anything alleged against her on the behalf aforesaid and try her title to the said meadow ground when legally brought thereunto."[21]

Governor Dongan of New York ordered a letter to be sent to Governor Rudiard of New Jersey on August 27, 1684, but the results for Elizabeth Carteret are not clearly stated anywhere.

By far the most important part of Philip's property to Elizabeth was his house in Elizabeth Towne where she lived. Shortly after her husband's death, she had applied to the Council for the house and lands which she claimed had belonged to him personally. On March 20,1683, "the consideration (of her petition) was deferred until further application."[22]

One of the rival claimants for Elizabeth's property was a certain John Shottwell who presented a petition to the court for a patent. A record of May 12, 1683, of the Court of Common Right states that "Widdow Carterett may appear to answer the substance of the petition of John Shottwell that she give him a patent for the land he desires." And the record continues: "the Widdow Carterett being also present and in writing gave in two papers as her answer . . . . She said she had no further answer than what she gave in writing."

Upon losing the case, Elizabeth appealed for the right to petition the King of England. The Court gave her permission, provided she pay the costs.

In this extremely complicated case, Elizabeth employed the well-known lawyer Isaac Swinton to represent her but undoubtedly took part in some of the proceedings herself.[23]

The next spring, 1684, found Elizabeth still living in the Carteret house, but still uncertain as to her tenure. On May 29th, she

[21] *Proc. N.J.H.S.*, second series, I, 31, 33-36.

[22] *Archives*, 1st series, XIII, 28, 129.

[23] *Archives*, 1st series, XIII, 51. 58. Preston W. Edsall, *Journal of the Courts of Common Right & Chancery of East New Jersey* (Philadelphia, 1937), p. 337.

delivered another petition: "a petition from Elizabeth Carteret widd . . . setting forth he (Philip) had a grant for two thousand acres as the gift of the late Lords Proprietors to be taken up by him in any part of the province . . . requests a survey of the same."

The Council ordered "she be desired to bring in full and whole of her claims . . . that justice and right may be done her in all matters whatsoever without delay . . . ."[24]

And on November 26, 1684, Elizabeth Carteret, Widd., presented yet another petition to Governor Gawin Lawrie, who had been instructed "to take possession of the house belonging to the Proprietors with the orchards and grounds belonging thereto." The instructors demanded: "We desire thee to take care to clear all the frivolous pretences of Widow Cartright thereto."[25]

From what one knows of Elizabeth, frivolous is hardly the adjective one would apply to her. Its use can be explained possibly by the fact that she was not a Friend but a supporter of the Church of England.

This petition prayed for more than the house and besought justice in other matters involving Elizabeth's income:

Imprimis, That my said husband's salary for being governor amounting to the sum of £1000 may be satisfied.
Second, That a patent may be made to me for the three thousand five hundred and ninety six acres of land within Elizabeth Towne bounds which are expressed in two patents granted in the time that Robert Vicars was Secretary.
Third, That a patent may be made to me for a lot of land lying on the Raraton River purchased by my deceased husband of the Indians in company with Captain John Palmer and others.
Fourth, That the house, lot and orchard in Elizabeth Towne and farm commonly called the point part of the said three thousand, five hundred and ninety six acres of land now in the proprietors' possession may be delivered unto me to whom of right it doth belong.[26]

[24] *Archives,* 1st series, XIII, 129.
[25] Hatfield, *op. cit.,* p. 229.
[26] *Archives,* 1st series, XIII, 135.

The Governor and Council answered Elizabeth's requests by saying that the question of Philip's salary "doth not come under the consideration of this Board"; that in connection with her claim for over three thousand acres "patents are since made void by act of General Assembly . . . "; that Captain Palmer asserted that Philip did not pay a share in the Indian purchase. As for her claim to the house and orchard, it was to be disposed of by the answer that "patents are since made void."

These replies must have lowered Elizabeth's spirits. However, the widow's fortune again improved by her marriage in December, 1684, to Colonel Richard Townley. That Townley came to live with her in the Carteret mansion shows that Elizabeth won her point about the house, her home.

Elizabeth was now, for the third time, a feme couverte and entrusted her affairs to her new husband.

Colonel Townley belonged to the Church of England. The first meeting place for members of the congregation was his house. In 1706, the foundation was laid for the Episcopal Church of St. John. The deed states that Richard Townley and his wife conveyed to the grantees, land "in trust to and for the service and use of a church for the serving and worshiping of God . . . . "[27] By the time the Church was built in 1712, Colonel Townley had died. In Mrs. Townley's acknowledgment of the deed on February 14, 1711, she signed the document with a mark, not her name. Apparently, she suffered from rheumatism or arthritis and could no longer write.

Upon the death of her third husband, Elizabeth made a will (also signed by a mark) in which she mentioned only her three Townley children.[28] Feudal law, still extant in the Colonies, maintained that a feme couverte, legally holding no property, could not even dispose of her personal effects without her hus-

[27]Warren R. Dix, "The Bicentenary of the First Episcopal Service Held in Elizabeth Town, Nov. 3, 1703," in *Proceedings of the Union County Historical Society,* II (1934), 173-194.

[28]Frank Allen Hill, *The Mystery Solved* (Boston, 1888), p. 79. Record in Office of Secretary of State, Trenton, N.J.

band's permission.The statement that she renders "null and void all other wills and testaments" is evidence that, each time she became a feme sole, she exercised the privilege of an independent individual.

Elizabeth Smith Lawrence Carteret Townley lacks a Pepys or a Lely to immortalize her. But her spirit is recalled from the shades by manuscript letters, petitions and court records. These documents reveal a woman of energy, persistence, competence and courage in handling complicated family business matters. But facts—the bone and sinew of history—will not permit this Elizabeth to be credited with managing affairs of state for her husband. Governor Philip Carteret did not go away during the twenty months of his marriage. If he had, John Berry, appointed deputy governor, would have functioned. When Philip died, New Jersey had already been sold. Elizabeth, as his executrix, had only his personal estate to settle. Chance—that arbiter for women in a patriarchal society—presented the opportunity for undertaking a public responsibility to the wife of Sir George, the Proprietor, and not to the equally able wife of Philip, the Governor.

With the circumstances of the lives of the two Elizabeth Carterets before us, we need no longer confuse one with the other but can give each lady her proper niche in the background of New Jersey's history.

New Jersey's First Anthracite Blast Furnauce

K. R. HANSON

Like heaven, the giant steel complexes of Cleveland and Pittsburgh were not reached at a single bound, nor even in a single step, from the pioneer charcoal furnaces exemplified in New Jersey by Batsto and Allaire. The path of the iron industry development may be traced through the fuel used, from charcoal through anthracite to coke, and so to its final concentration at localities which offered the best combination of available raw material and effective transportation facilities.

Even in colonial times the extensive magnetic ore deposits of Morris and Sussex counties supported more charcoal iron furnaces than the better known coastal bog areas, and it was here that the New Jersey iron industry flourished until well past the Civil War. By the late 1830s, however, all of New Jersey's iron furnaces were suffering from a common problem—the forests had been cut and converted to charcoal, and furnaces were being abandoned for lack of fuel. At this juncture, fortunately, the newly built Morris-Essex canal offered the areas it served a means of bringing in a new fuel, anthracite coal, as well as a cheap and efficient method for transporting the finished product. The iron industry of north central New Jersey revived for a lengthy period of prosperity, which in turn fell before the superior combination of coke fuel, Mesabi hematite ores, and Great Lakes transportation.

As might be expected, early efforts to use anthracite for blast furnace operation took place in the newly developed coal fields of eastern Pennsylvania. As early as 1820, the Lehigh Coal and

The Writer, engaged in the sugar industry since 1937, has been developing a scholar's interest—to which this article bears witness—in the technological history of New Jersey.

Navigation Company at Mauch Chunk had experimented unsuccessfully with anthracite for pig iron manufacture. During the 1830s Dr. Frederick W. Geisenheimer or Weisenheimer received a United States patent for the manufacture of iron using anthracite, as did Mr. George Crane of Yniscedwin, South Wales. Neilson's patent for the use of hot blast in general had been taken out a few years before. And it was on the principle of hot blast that the whole problem turned.

Anthracite Furnaces

As any middle-aged home owner who has tended a coal fire knows, anthracite needs to be babied. Heating the air used for blast by either waste gases from the top of the blast furnace or by a separate fire built around the blast pipes had long been experimented with; now the use of anthracite made such heating imperative. Just as the first automobile was a horseless carriage, the first anthracite furnaces were similar in shape and size to the charcoal furnaces; in fact, the single change necessary was the substitution of hot blast for cold. But, like most new developments, it took time to develop materials and methods for handling the hot gases.

The operators of the first successful anthracite furnaces do not seem to have depended heavily upon the foregoing patents but apparently worked out the same principles themselves. In 1836 the Pennsylvania Legislature passed an act for "The Encouragement of the Manufacture of Iron by Mineral Fuel". A further attempt at Mauch Chunk in 1839, in a furnace near the site of the previous failure, resulted in a furnace using anthracite as the only fuel, which ran on and off for several months producing cast iron. In January 1840, the owners of the Pioneer Furnace of Pottsville, Pennsylvania, were awarded a prize of $5,000 for developing the first anthracite blast furnace to stay successfully on blast for threee consecutive months. This was the first commercially successful application; others followed rapidly.

New Jersey's first anthracite blast furnace was erected at Stan-

hope, a town since 1800 with a history as an iron manufacturing site. The best information indicates that between 1780 and 1800 a Mr. Dickerson, either Jonathan or Silas, built the "upper forge" on the Musconetcong River at Stanhope, and in 1801 Mr. David Sealy Canfield built another. These forges seem to have followed the usual pattern of changing ownership and "off-on" operation. In 1834, Thomas F. Gordon in his *Gazetteer of the State of New Jersey* describes Stanhope as a town of 20 to 30 dwellings, 2 taverns, 3 forges and a gristmill. More to the purpose, he writes that the Musconetcong River was diverted from its bed to provide a thirty-foot waterfall, and that a plane of the newly arrived Morris-Essex Canal passed through the town. By the late 1830s the near-by forests were exhausted and the forges were closed for lack of charcoal. Undoubtedly, the physical assets of Stanhope attracted the attention of investors looking for a site for an anthracite furnace. Another asset, although of less importance, was the existence in the neighborhood of men versed in handling ore and iron. A transcript from the diary of Joseph C. Platt, an employee at the first anthracite furnace in Scranton, Pennsylvania, states that on January 3, 1842, they were assisted by Mr. Clark from Stanhope, New Jersey.

The Sussex Iron Company

In 1840 the Sussex Iron Company, "a corporation formed for making iron at Stanhope," with Edwin Post as agent, started operations at the foot of the furnace pond on the site of an abandoned forge. The first furnace, slightly smaller than some charcoal furnaces in existence at that time, was 30 feet high, 10 feet in diameter at the bosh with a hearth 3½ feet square. There were 3 tuyeres (blast air pipes), and the blast air, heated to 600 degrees Fahrenheit, was supplied at a pressure of 3 pounds per square inch. Within the space of a couple of years two additional furnaces of the same size were erected and brought into operation. These furnaces operated on anthracite fuel only, and each produced about 30 tons of cast iron a week. Power for the blast was

originally supplied by water power, but by 1846 a steam engine was installed.

Accounts differ as to the degree of immediate success of these furnaces. One account states they were an instantanous success, but on the other hand, in 1841, Joseph Jackson testified before the Committee of Manufacturers of Congress in the following words, "There have been some experiments on a large scale made at Stanhope, New Jersey, near my place, to smelt our magnetic ores, that abound in my country with anthracite coal, but unfortunately for the iron interests, they made use of almost the only poor ore we have, and thereby failed to produce a good article of pig iron." There is also a suspicion that initially the blast was too cool. At any rate, by 1846, the problems had been overcome and the furnaces were a commercial success.

Iron ore, mostly magnetic, came in large part from the Irondale mines about nine miles to the east of Stanhope. These mines belonged to The Sussex Iron Company and were about one-half a mile from the Morris-Essex Canal. Other mines in the vicinity were also drawn upon for ore, including the near-by Stanhope mine. Although that mine, the nearest, had supplied the early Stanhope forges with ore, and new shafts had been opened in it by Edwin Post, it had to be abandoned because of large amounts of iron pyrites in the ore bed.

Anthracite came by canal from the Beaver Meadow mines located north of Mauch Chunk, Pennsylvania. This coal, considered superior in characteristics for iron smelting, was brought by barge down the Lehigh Navigation Canal, across the Delaware River, and up the Morris-Essex Canal to Stanhope, where it brought $4.00 to $4.50 per ton. At that time toll rates on the Morris-Essex Canal were 1¢ per ton mile for both coal and iron ore. Limestone for flux is plentiful in the Stanhope area and offered no problems; the oyster shells used at the seaboard furnaces were little used in the north central highlands.

A typical furnace charge for a furnace similar to those at Stanhope was 2 tons of iron ore, 2 tons of anthracite and 0.8 tons of limestone. Assuming that the 3 furnaces combined made 100

tons of iron a week and each ton of ore produced about one-half its weight of cast iron, a total of 480 tons of raw material had to be moved from the canal basin and charged into the furnaces each week, no small feat.

A force of twenty-five to thirty men was reportedly employed at the works. Under the system of two twelve-hour shifts a day used at that time, a crew of ten to twelve men per shift would be used to charge the furnaces, mould the sand bed for casting the pigs, tend the blower, and perform other duties. Since this was before the day of strict work rules, all hands probably helped during the twice-a-day tapping of the furnace.

The product of these furnaces was pigs of cast iron, but because of the impurities associated with coal it was not as pure as the charcoal iron previously produced. Since the Bessemer process for making steel was still some years away, the pigs had to be remelted and cast in moulds as brittle cast iron or else reduced to wrought iron. On a small scale, wrought iron was produced by heating the pigs of cast iron in a forge fire and hand hammering the heated mass until the high carbon content of the cast iron was lowered and the slag contained within the iron was reduced to fibrous threads. On a larger scale the same steps were carried out by reheating the pigs in a puddling furnace; the ball of pasty iron removed from this furnace was worked under a heavy hammer driven by water power, and the resulting bloom of wrought iron could then be rolled for plates, bars or rails.

Zinc Production

With three furnaces in successful operation, Mr. Post turned his attention to bigger game. Along with magnetite there are deposits of franklinite in the New Jersey hills.This ore, composed of 17 parts of zinc oxide, 66 parts of iron oxide and 16 parts of manganese oxide, had long defied attempts to smelt it in charcoal furnaces. The relatively cool charcoal furnace could not handle it, and the end result of too much franklinite in the

furnace charge caused a hard mass in the hearth of the furnace known as a salamander. This sad occurrence meant destruction of the furnace to remove the salamander. The greater heat of the hot blast anthracite furnace offered a means of handling franklinite.

However, Mr. Post's main interest was the zinc content of the ore. The Third Annual Report on the Geological Survey for New Jersey indicates that Mr. Post had developed a means for reducing the zinc by means of anthracite coal, but that the details had not been released. It is known that other experimenters mixed finely ground franklinite with finely ground anthracite and heated the mixture in muffles to drive the zinc off as a vapor. This vapor was reoxidized and used as white zinc oxide for the manufacture of paint. Since Mr. Post's initial experiments were successful, in 1853 he constructed furnace No. 4, 20 feet high by about 6 feet at the bosh. This furnace was equipped with large reservoirs at the tunnel head for the collection of zinc fumes. The furnace operated successfully for some time, producing about 100 tons of iron and some tons of zinc, but before the end of the year, not surprisingly, an explosion in a reservoir demolished the furnace, and in the resulting fire the whole works were destroyed.

Following the disaster, the site lay idle until 1864, when a new company, the Musconetcong Iron Works, erected a furnace 70 feet high by 17 feet in diameter, followed a few years later by a second furnace, 80 feet by 20 feet. The industrial revolution was already in full swing, and furnaces were coming of size.

New World

There is little in Stanhope today to identify it as a primitive Pittsburgh. The furnace pond is still full although abandoned. The canal is hard to trace, particularly the plane from the basin to the upper level. A few bricks by a low wall mark the site of the furnaces, while a mineral wood company has largely devoured the slag pile that accumulated over so many years of furnace operations at the site.

Today, north central New Jersey's lakes and streams are either vacation grounds or an increasingly important region of year-round housing. Yet, not too long ago, this was one of the great iron-producing areas in America.

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Patience Wright of Bordentown

J. C. LONG

Patience Lovell Wright (1725-1786) of Bordentown, New Jersey, is the only American woman who is represented in Westminster Abbey by a work of sculpture of her own creation. She has been called "America's first sculptress" and certainly was the first to become internationally well known.

Important phases of her life are well documented. Her girlhood home continues to stand on the main street of Bordentown. About two blocks distant is the house where she dwelt from the time she was married until shortly after the death of her husband. There is a thesis by Parker Lesley, M.F.A., in the Library of Princeton University which cites several accounts of her life. Correspondence from her and about her appears in the works of Benjamin Franklin. Also, she is mentioned in the writings of Horace Walpole, Elkanah Watson, Abigail Adams, and others.

Some accounts have indicated that her parents and likewise her husband were in modest circumstances, but the location and quality of her girlhood home and the house where she lived after marriage give the impression of substantial prosperity. The Wright house was on the most desirable corner in the community, namely at the corner of Farnsworth Avenue and Park Street. Directly across was the home of the famous poet-composer Francis Hopkinson, and diagonally across was the historic Hoagland's Tavern, which was sacked by Hessian troops before the battle of Trenton in December, 1776. All three buildings are still standing.

Indeed it may be said, generally, that Bordentown has cherished its historical tradition. The home of Richard Watson Gilder is preserved as a museum. There is a schoolhouse named for Clara

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Barton, principal founder of the American Red Cross, who taught there. Many houses dating from the 18th Century are still extant.

Probably, at this time, there was a shortage of cash typical of a farming area, and when Mr. Wright died in 1769 his widow had difficulty in supporting herself and three children. She had one outstanding talent—namely the ability to form figures with her hands. For the amusement of her children, she modeled cats, dogs, and human beings out of bread dough. Hopkinson suggested that she embark on a career of making portraits in wax, a form of art which was popular at that time.

The sponsorship of Hopkinson was influential. Soon after her husband's death, Mrs. Wright was able to establish a studio in New York. The time was fortunate. Peace had followed the conclusion of the French and Indian War. There was a large British Army contingent in New York. The colonial shipping trade with the West Indies and elsewhere was prospering — in short, there were many customers available with the money and the desire to have a portrait done in wax, sometimes just a bust, often full-length.

The Wright studio contained not only portraits of the artist's customers, but also those of historic figures. In short, it might be likened to the Tussaud waxworks in London, which was founded in the same era.

By 1771, Mrs. Wright had made so much money that she was able to take a trip abroad. The practise was not uncommon among persons of wealth. In the case of Mrs. Wright, there was the added inducement that she was a Quaker, and Quakers were in high favor at the Court of George III. Benjamin West, formerly of Pennsylvania, had been appointed by the King as an historical painter for the Court. West, who came of Quaker stock, was a personal friend of Mrs. Wright. On this trip she was investigating possibilities of setting up a London studio.

While she was abroad, one of her children inadvertently set fire to a curtain in the New York studio, and soon the place was ablaze. Fortunately, neighbors arrived promptly and saved the house from destruction. Many of the waxworks also were carried

to safety. This near-disaster, however, apparently dampened Mrs. Wright's interest in New York. Though she opened a new studio there which was managed by her sister, a Mrs. Wells, the main interest of Mrs. Wright was thenceforth in England and later in France.

Mrs. Wright's first English studio was in Chudleigh Court, Pall Mall.[1] Her work was mentioned by Horace Walpole as early as February 1773.[2] Sponsored by her countryman, Benjamin West painter to the King, she promptly won the favor of George III and Queen Charlotte. They not only commissioned her to do a bust of each, but likewise visited her studio to watch her at work. That attention gave her considerable vogue, and she soon had commissions from leading figures in England, including Lord Temple, Lord Lyttleton, and the wealthy if notorious John Wilkes. Mrs. Wright did the first of several wax studies of Benjamin Franklin in May 1775. He was then in London.

Early in Patience Wright's English career, she made her best-known statue: that of the elder William Pitt, Lord Chatham, which in 1779 was installed in Westminster Abbey as mentioned above. It stood in the Islip Chapel until the blitz of World War II, when an explosion knocked it over and severed the head from the body. Miraculously, since the material was wax, neither the head nor the body was shattered.

In 1953, this writer was permitted to see the two parts in a storeroom of the Abbey. To re-unite head and torso had been considered, but the technicians consulted did not wish to take the risk lest either part be broken in the process, for the wax had become dry and brittle. The parts, however, are again on public view in the Undercroft Museum at the Abbey.[3]

As the war for American independence progressed, Mrs.

[1]*The Dictionary of American Biography* refers to her studio on Cockspur Street, Haymarket, but she did not establish herself there until 1781.

[2]Horace Walpole, *Letters*, ed. Mrs. Paget Toynbee (Oxford, 1904), VIII, 237.

[3]This fact was verified by an agent of the author in February 1961. The Undercroft Museum, for centuries the Commons room for the Monks and later a shop for the Abbey tailors and barbers, was adapted about twelve years ago to house a number of historic wax effigies. It is located on a corridor near the entrance to the Chapter House.

Wright's popularity at Court diminished, for she was outspoken in support of the American cause. She corresponded with Franklin, who now was living in Passy outside of Paris. He headed the American committee seeking aid from France.

Mrs. Wright was a formidable person with flashing eyes and bold manners. Though Franklin was a friend, he preferred to keep her at a distance. Mrs. Wright, in the spring of 1779, feeling the increasing chill of London, wrote to Franklin suggesting that she set up a studio in Paris en route to an eventual return to America.

Franklin replied:

I received your favour of the 14th of March past, and if you should continue in your resolution of returning to America through France, I shall certainly render you any of the little services in my power; but there are so many difficulties at present in getting passages hence, particularly safe ones for women, that methinks I should advise your stay till more settled times, and till a more frequent intercourse is established.[4]

He went on to say that he doubted that her art would succeed in Paris, because waxwork portraits were not in vogue "for persons of fashion." He also observed that rent and other living expenses were very high there. Then he added a lengthy postscript referring to the difficulties that would be involved in transporting her sculptures from Calais to Paris.

Mrs. Wright, however, was not one to be discouraged by obstacles, and early in 1780 she settled herself in Paris, in the same building where dwelt Elkanah Watson. Watson was a financial agent for certain American bankers and also did some diplomatic errands for Franklin.

In the years 1779-1780, the career of Patience Wright is known largely through contemporary memoirs.[5] We are told that she scolded George III for his attitude toward the colonies and consequently lost favor with the throne. She began to spy for Franklin and is supposed to have sent him frequent reports of troop move-

[4]William Dunlap, *A History of the Rise and Progress of the Arts of Designs in the United States* (Boston, 1918), I, 151.

[5]*e.g., Memoirs of Elkanah Watson,* 2nd edition (New York, 1857); *Letters of Mrs. Adams,* 3rd edition (Boston, 1841); also contemporary journals.

ments and military plans about which she learned in conversation with her British friends; but royal authorities did not take her seriously, and she remained unmolested. Possibly her frank espousal of the American cause shielded her from suspicion; or again, the authorities may have thought she was a crackpot and therefore harmless. A third supposition is that the Cabinet may have leaked false information to her, expecting it to be transmitted to the enemy. (That practise has been not infrequent in time of war.) In any event, we do not find that her information to Franklin had any effect on American military and naval action.

Elkanah Watson, who wrote a history of the American Revolution in somewhat romantic terms, commented on Patience at some length, saying—among other things:

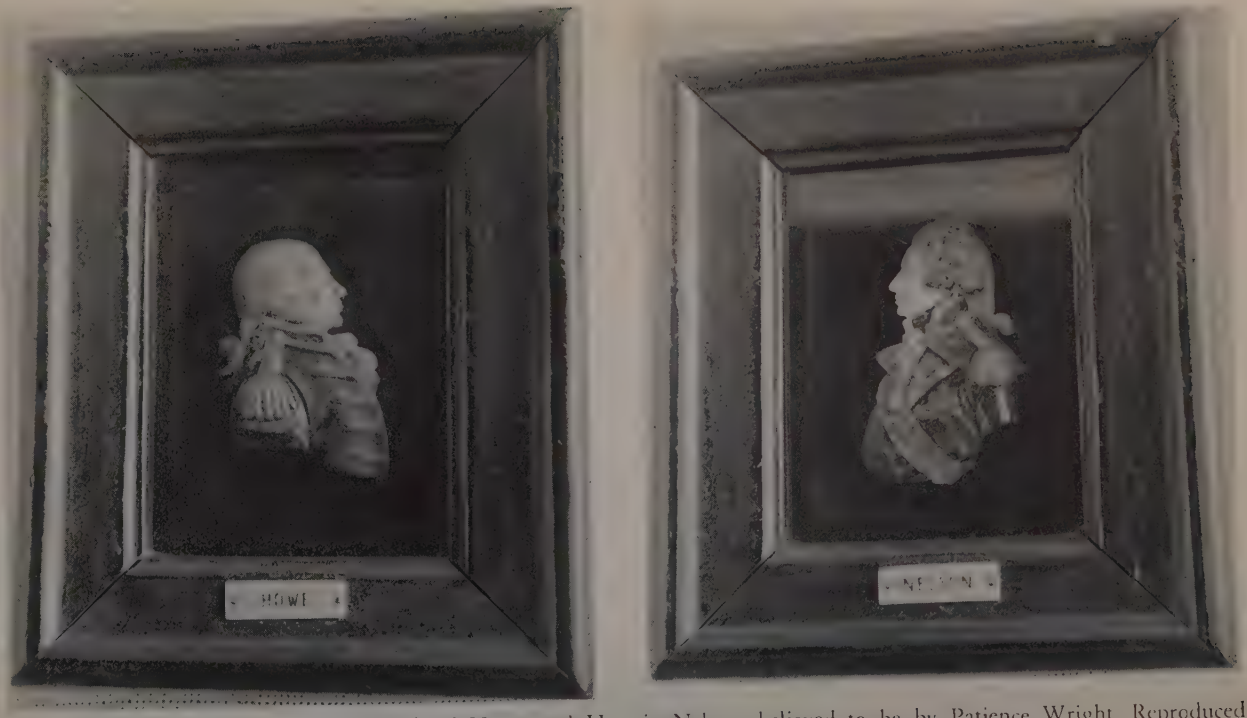
I discovered that she was in the habit of daily intercourse with Franklin, and was visited by all the respectable Americans of Paris . . . . . The wild flights of her powerful mind, stamped originality on all her acts and language. She was a tall and athletic figure; and walked with a firm, bold step, as erect as an Indian. Her complexion was somewhat sallow; her cheekbones high; her face, furrowed; and her olive eyes keen, piercing, and expressive. Her sharp glance was appalling; it had almost the wildness of a maniac's. The vigor and originality of her conversation, corresponded with her manners and appearance. She would utter language, in her incessant volubility, as if unconscious to whom directed, that would put her hearers to the blush. She apparently possessed the utmost simplicity of heart and character.[6]

Whether or not the "daily intercourse" with Franklin literally took place, Franklin's predictions that Paris would not be fertile ground for Patience Wright's talents proved to be sound. She returned to London early in 1781 and set up an establishment on Cockspur Street. Her place became a salon for bohemians, leading Whigs, and other sympathizers with America, including the actor David Garrick and John Hoppner, the portrait painter. Phoebe, daughter of Patience Wright, married Hoppner on July 8, 1781, at St. George's, Hanover Square.

After the surrender of Cornwallis at Yorktown in October

[6]*Memoirs of Elkanah Watson*, p. 137.

Wax sculpture of William Pitt, Earl of Chatham, by Patience Wright. The figure was originally in the Islip Chapel of Westminster Abbey and now is in the Undercroft Museum of the Abbey.



Wax bas-relief portraits of Admirals Richard Howe and Horatio Nelson, believed to be by Patience Wright. Reproduced by courtesy of the owner, Jay B. Tomlinson, Esq., of Bordentown, N. J. Photographs by Ulli Stelzer, Princeton, N. J.

1781, Mrs Wright was free from any likelihood of danger, and she became a famous figure among the Americans in England. When John Adams, the first ambassador from the United States to St. James's, arrived in England, he and his wife Abigail called at the Wright studio. Mrs. Wright received her guests with a zeal which displeased Mrs. Adams, as Patience kissed both the men and women alike. Mrs. Adams later reported being received with "a hearty buss, from which we would all rather have been excused, for her appearance is quite the slattern."[7]

Patience now began to think seriously of returning to America. Her son Joseph, who had become an artist, was back in the United States and he had done a clay bust of General Washington, from which Patience made wax profiles. Many of her countrymen were leaving England for the New World, where the scene was more stirring. In August 1785 she wrote to Thomas Jefferson of her intent to return to America, but she died in March 1786, before she could carry out her intention.

There were newspaper and magazine tributes to Patience Wright's memory on both sides of the Atlantic. She remains one of the most original and fascinating figures of American Revolutionary days.

[7] *Letters of Mrs. Adams,* 3rd edition (Boston, 1841), II, 32.

An Uncompleted History of Printing in the United States

JACKSON E. TOWNE

DOUGLAS Crawford McMurtrie, the formerly well-known historian of printing, was a native of New Jersey, having been born at Belmar on July 20, 1888. Bearing this in mind, a formerly well-known librarian at a New Jersey university wrote to McMurtrie about two years before his death, making him a generous offer:

I have just read Frank McCaffrey's "An Informal Biography of Douglas C. McMurtrie," which is excellent but still inadequate . . . .
I suppose I should have known it, but not until I read McCaffrey's article did I become aware of the fact that you are a Jersey man. That fact immediately suggested to me the propriety of making the following proposal . . . .
The manuscripts, correspondence, notes, bibliographical files and personal memorabilia of Douglas C. McMurtrie constitute an important body of record . . . everything associated with your career, from the *Junior Spectator* on, is of interest and will be of value to the biographer who comes to do a more ambitious study of your career than McCaffrey has done . . . .
Since you are from New Jersey, what place would be more appropriate for a permanent home than Princeton University?
I hereby offer you the hospitality of the Princeton University Library for the Douglas C. McMurtrie archives, to form a part of the Princeton Archives of American Civilization . . . .

THE WRITER, whose notice of unexploited treasure of East Lansing should attract the attention of competent scholars, is Professor of Bibliography at Michigan State University.

McMurtrie evidently pondered this generous offer quite seriously. He did not decline it for about three months, and when he did he naturally wrote as though he contemplated the completion of his major projects, the American imprints inventory and the "History of Printing in the United States." He did not feel that his life would ever necessarily call for a formal full-length biography; and he mentioned two other American libraries where outstanding newspaper collections have been developed, as possible ultimate resting places for his files.

Then, in 1944, came his untimely death (from heart failure during sleep at his Chicago home), and for a period of about ten years his files were boxed and stored by his heirs. His excellent private library was divided into four parts by the late Herbert Kellar of the McCormick Library in Chicago, and each of the four major research libraries in Illinois (the Newberry Library and those at Northwestern University and at the Universities of Chicago and of Illinois) purchased one of the parts.

About two years ago Mrs. McMurtrie decided to sell all of her husband's files, and through Mrs. Herbert Kellar these passed to a dealer in Palo Alto and were purchased by the library at Michigan State University to supplement research materials for graduate students in the new College of Communication Arts established at East Lansing.

Among the major items in the collection are folders of general correspondence which occupy no less than 39 lineal feet of shelving. In addition there are folders on U. S. printing history and some data on foreign countries which occupy 12 feet more. From 1927 until his death in 1944 McMurtrie had served as advertising director at the Ludlow Typograph Company in Chicago, and this company released to his heirs its extensive holdings of the McMurtrie correspondence, including his service as head of the Educational Commission of the International Association of Printing House Craftsmen; this bulging file now occupies

eight lineal feet of shelving, with its separate folders of letters to and from the more than seventy city clubs, or areas, within the fifteen various districts of the printing association. The celebration of the 500th anniversary of the invention of printing and much else is here recorded.

The collection also includes six feet of unfiled correspondence, which is being sorted during the present academic year. The famous "McMurtrie Imprints," many of them mere pamphlets, privately printed in a variety of locations, are almost completely represented, a total of more than 500 items. The prize feature of the entire collection, however is the stack of galley proofs for unpublished chapters on the history of printing in the United States.

This history was to be in four volumes, and only Volume II, embracing the Middle and South Atlantic States, had appeared upto the time of his death. Fortunately, New Jersey was covered in it, in Chapter XXIX, "Introduction of Printing Into New Jersey." The book, published by R. R. Bowker Company in 1936, was well received by the reviewers at the time.

Unpublished, but developed to the galley-proof stage, are McMurtrie's chapters on the history of printing in nineteen other states, and it is the hope of the authorities at Michigan State University that these chapters may be revised, rewritten and brought up to date by some writer, or group of writers, in the near future. So far, only an interesting study of the earliest printing period in Rhode Island, below the thesis level, and some articles by the present writer in two western state historical quarterlies, have appeared. The Douglas C. McMurtrie Manuscripts Collection, as it is officially called, was stored in the Michigan State University Library after purchase and was not actually sorted and made readily available for consultation until August, 1960.

The interested reader will find a good summary of McMurtrie's career and major publications in the pages of that ever useful tool, *Who Was Who In America for 1943-1950"*; and the Heartman bibliography of the 471 "McMurtrie Imprints," with its 1944 supplement, covered the innumerable shorter, separately printed writings of the man. A somewhat more formal summary of his career than the privately printed opus of McCaffrey was written by Herbert Kellar and published in the *Inter-American Review of Bibliography* for January-June, 1955.

McMurtrie has himself told the interesting story of the development of the American Imprints Inventories, under the auspices of the Historical Records Survey and the Works Progress Administration, in the *Mississippi Valley Historical Review* for December, 1944.

OF BOOKS AND THINGS

BOOK REVIEW

The author of the following review is a Senior at Yale University, a resident of Bergen County and a member of the Paramus Historical and Preservation Society. He contributed the article on "Paramus in the War of the Revolution" to the July 1960 *Proceedings*.

Revolutionary War Round Table Papers: Bergen County Historical Society Papers 1960. (North Hackensack, N. J., 1961. viii, 112 pages.)

It should be said at the outset that this collection is a welcome sign of the growing interest in New Jersey history. This is the first volume of the *Bergen County Historical Society Papers* to be published since 1922. But it is altogether an unwelcome sign that most of these essays, while in some degree avoiding mere antiquarian piety, nevertheless fail to employ the techniques of modern scholarship, or to make any significant contribution to local history. The chief (though not the only) exception is Mr. Albert Klyberg's "Action at Paramus, March 23, 1780" (pp. 1-16), a clear and perceptive account of the British raid on that date, which has the additional merit that it includes transcripts of spy reports not readily available elsewhere.

There are a few suggestions that might be incorporated if the essay is to be reprinted. (P. 1) Wayne did not launch his attack on the Bull's Ferry Block House from Paramus but from Totowa. See his letters in the appendix to C. H. Winfield, *The Block-House by Bull's Ferry* (New York, 1904), pp. 34, 37, 45. (P. 8) It should be pointed out that if Major Stuart had held his ground when attacked, he would have been caught in a pincers and annihilated. Mention might also be made of the wretched condition of the roads in the area throughout the war, a point to be kept in mind in a consideration of the failure of the British to coordinate their attack. See the journal in *Memoir of Lieutenant-Colonel Tench Tilghman* (Albany, 1876), p. 101, and also my article in the *Proceedings,* LXXVIII, 175.

The second essay in the collection, Mr. Peter Henderson's "Fort Lee Bluff" (pp. 17-32) is taken from his *Shadow on the River,* a book I have not yet seen. It could be wished that Mr. Henderson had supplied footnotes, and I find his

use of secondary sources a little disturbing: Woodward's *Tom Paine* is scarcely in the nature of a reliable work, and Sparks' *Life of Washington,* while good in its time, is perhaps a little out of date. In addition, there seems to be an oversupply of background material. One does not really need to be told what happened on July 4, 1776, or that some of the soldiers at Fort Lee in 1776 were later to die in the course of the war.

There are two points made by Mr. Henderson that deserve particular attention. (P. 23) On no account would a fleet of ships in the North River cut off communications *in* Jersey. Part of the strategic value of northern New Jersey was that it supplied a network of roads independent of water transportation. It is true that British control of the river would have cut off communications between New England and the South, but this control could never have been effected merely by holding the lower part of the river. (P. 26) This should be kept in mind in considering Paine's remarks in *The Crisis No. 3* (not *No. 1* as here stated). If Howe thought he could sever American communications by holding Fort Lee, his plan was merely visionary; but if he had held Fort Lee and the other river forts, or even if he had held Fort Lee and the road network in Bergen County, American communications would have been severed.

The third essay, Mr. Frederick Bogert's "Loyalists of Bergen County" (pp. 33-48), is a recapitulation of Bergen County material from E. Alfred Jones, *The Loyalists of New Jersey* (Newark, 1927), with a few of the sources printed more or less in full. I am not denying that it may be a useful recapitulation, so far as the four Loyalists whom Mr. Bogert treats individually are concerned; but even there, almost everything he prints is in Jones, and the rest of the essay is a selection of passages from standard works on Loyalism and on New Jersey in the Revolution. Mr. Bogert's point that the Loyalists were not all monsters may be necessary at this late date, and his reminder that Bergen County was strongly Loyalist may be valuable. But when (p. 41) he goes so far as to repeat Jones's reference (*Loyalists,* p. 18) to Thomas Jones's *History of New York in the Revolution,* with no indication that it is at least as much Loyalist propaganda as it is history, one begins to question either his command of the sources or else his objectivity. This essay also lacks footnotes.

Mr. Lewis Owen's "Rebels Rebellious" (pp. 49-67) is avowedly based on Van Doren's *Mutiny in January* (New York, 1943), with one rather curious exception. On p. 58, Mr. Owen writes that Joseph Reed "was, throughout his life, accused of actions which should have disqualified him from any public office but perhaps made him ideal as a negotiator with defecting troops." It might be pointed out that accusations alone are slim evidence on which to hang a man. Mr. Owen states further that "proof

after proof has been presented" that Reed had given up on the American cause prior to Trenton. But Reed's letter of December 22, 1776, printed in *Life and Correspondence of Joseph Reed* (Philadelphia, 1847), I, p. 272, urges the attack on Trenton in order to revive the American cause. Mr. Owen accuses Reed of treasonable correspondence with his brother-in-law in England. But in fact, the correspondence was chiefly from his brother-in-law, and Reed had been chosen by the Congress to conduct negotiations with the British (*Life and Correspondence,* I, pp. 204-205). Mr. Owen states that Reed advised his brother to swear allegiance to the British if they took Burlington. But there is no basis for this beyond the vicious and unsupported attack on Reed in the anonymous letter in the *Independent Gazetteer* of September 7, 1782, and even here this charge is not put into a declaratory statement. Finally, Mr. Owen states that Reed had applied to the British officer at Bordentown for protection of his life and goods. But ever since the publication of William Stryker's *The Reed Controversy* (Trenton, 1876), it has been known that the Colonel who did this was Charles Reed of New Jersey. In short, not one of Mr. Owen's charges is or can be substantiated.

The next essay is not concerned with the Revolution, or, for that matter, with Bergen County. Mr. Lewis Haggerty's "The Brainerds and Brotherton" (pp. 68-82) deals with the Indian reservation at Bethel or Brotherton, Burlington County, and with the missionary work of David Brainerd (1718-1747) and his brother John (1720-1781). The subject is beyond my competence to criticize, but I find it disturbing that there are sources referred to in the text that are not included in the bibliography.

The essay on "Robert Erskine" (pp. 83-102), by Mr. Edward Stewart, is unfortunately not annotated. Nor, I am sorry to say, is it entirely to the point. Pp. 84-87 are given over to a discussion of Peter Hasenclever and iron-mining in general. On pp. 89-90 there is a brief background sketch of the events of 1763-1774. On pp. 91-92 we are told for two paragraphs that we do not know what Erskine thought about various events of 1776. On pp. 92-93 the author is in error if he is suggesting that British occupation of Manhattan cut off communications east of Ringwood. In fact, the major north-south road in use by the American army at that time was the one from Bound Brook, through Totowa and Paramus, to Haverstraw. See J. B. Turner, ed., *Journal and Order Book of Captain Robert Kirkwood* (Wilmington, 1910), pp. 126-128, and the letter to Colonel Daniel Morgan printed in A. E. Vanderpoel, *History of Chatham* (2d ed., Chatham, N. J., 1959), p. 206. On pp. 94-95 is another excursion into the general history of the war, but thereafter what Mr. Stewart has to say is by and large relevant to his discussion of Erskine. Along with Albert Heusser's *The Forgotten General* (Paterson, 1928), on which

it is based, this study will presumably do until Erskine's papers are published, and until Mr. D. S. Hammond's edition of his maps is available.

On pp. 103-106, Mr. Hammond discusses his work on "Robert Erskine's Maps for Washington." What he writes would seem to be from his introduction to the forthcoming edition of the maps, and more than ever I am anxious for the collection to appear. On the other hand, what the Rev. Edgar Rohrbach has to say on "Anthony Wayne in Wayne, New Jersey" (pp. 107-112) arouses quite a different kind of anxiety. Only the paragraph from Liber B of the Bergen County Road Surveys (p. 108) has any real value, and the value lies in the publication of hitherto unpublished material. It has no bearing on Anthony Wayne.

The Bergen County Historical Society is to be praised for its conception of the Round Table Papers. It is to be hoped that the series will continue, with more attention paid to the exigencies of scholarship, but with the same enthusiasm evident here. In spite of all that has been said above, this collection is recommended as a useful compendium of information on Bergen County in the Revolution. But what has been said should be kept in mind.

—Jared Lobdell

NEW JERSEY IN PRINT

EDITH O. MAY

ARTICLES

"Cities of New Jersey—Jersey City," in *New Jersey Bell,* Christmas 1960, pp. 14-17.

"Descent of the Property of Mary (Poppleton) Hurley Pledgee Middleton of Salem County, New Jersey," by Walter Lee Sheppard, Jr., in *The Pennsylvania Genealogical Magazine,* Vol. 21, No. 4, p. 303.

"Digging at Estellville," in *N.J.E.A. Review,* January 1961, pp. 260-261, 287.

"Father of the Modern Submarine," by Courtlandt Canby and Richard K. Norris, in *American Heritage,* February 1961, pp. 35-39.

"Meet Your Legislators," in *New Jersey Business,* February 1961, pp. 19-32.

"New Jersey Members—87th Congress," in *New Jersey Business,* February 1961, pp. 33-35.

"New Jersey Pioneers in Texas," by Charles M. Snyder, in *The Southwestern Historical Quarterly,* January 1961, pp. 348-368.

"Origins of the South Jersey Daytons," by Walter Lee Sheppard, Jr., in *American Genealogist,* January 1961, pp. 30-33.

"The Story of Tempe Wick," by Rosemary Stephens, in *Daughters of the American Revolution Magazine,* December 1960, pp. 696, 767, 769.

THE MAILBOX

Pitfalls of Grammar

To the Editor of the *Proceedings:*

Paragraph 2, page 31, of the January number, where Benjamin Thompson Pierson boasts of having collected the names for the 1847 Newark directory, should read: "for I done (not *do*) all the work myself." The *do* makes it appear that he usually did this, whereas 1847 was the only time he did it. And it really was a "great feat," as he said.

IONE M. SONN

East Orange, N. J.
Feb. 13, 1961

Amherst *vs.* Englewood—A Contention

To the Editor of the *Proceedings:*

As a Princeton resident, may I express pleasure and some surprise that you hail Dwight Morrow as a product of New Jersey (*Proceedings,* January 1961).

May I offer evidence to claim him primarily as a product of Massachusetts. Dr. Sly, author of the article on Walter Evans Edge, acknowledges that Morrow was reared in Pennsylvania and attended Amherst College. He cites the services of Morrow on certain New Jersey state assignments, and his brief term as United States Senator.

Granting all that, may I point to Dwight Morrow's formative years at Amherst College, his many years on its board of trustees. His door at J. P. Morgan was always open to young Amherst alumni seeking vocational guidance (before colleges had provided that service). He acted as volunteer chairman of a college drive which raised its goal of $3,000,000. He married an alumna of Smith College (Northampton, Mass.). One of her classmates was Mrs. Thomas W. Lamont.

When Dwight became a notably successful lawyer in New York, Mrs. Lamont (whose husband had become a Morgan partner) was living in Englewood, New Jersey, and prevailed on the Morrows to move there also. There Dr. Sly finds them.

New Jersey has the right to claim Dwight Morrow as a distinguished adopted son, but I submit that Massachusetts is his true *alma mater*.

J. C. LONG.

Princeton, N. J.
Jan. 27, 1961

ANTIQUER'S ATTIC

NEW JERSEY MEMENTOS OF THE CIVIL WAR

MARGARET E. WHITE

In the collections of the New Jersey Historical Society are numerous objects connected with the Civil War, ranging from portraits in oil to broadsides of popular songs. This material is of special interest now that we are observing the centennial of the War between the States. One of the most unusual of these mementos is the army blanket used by Obadiah S. Boyden of Newark. and later embroidered by some skilful needlewoman to show Obadiah's war record from July 1861 through May 1864.

Obadiah, son of Seth and Abigail (Sherman) Boyden, was born in Newark on the 26th of September, 1818. Obadiah was the fourth generation of Boydens to serve in the Army, for Seth was captain of a company of militia in Newark's Third Regiment from 1823 to 1830, Seth's father was a privateersman in the Revolutionary War, and his maternal grandfather made cannon, ammunition and other metal equipment for the Continental Army.

According to Joseph Atkinson's *History of Newark, New Jersey* (1878), Seth Boyden was "perhaps the most remarkable man in Newark's history." He was born in Foxboro, Massachusetts, in 1788, and when he came to Newark at the age of 27 he brought with him his device for splitting leather. He also discovered the process, then unknown in this country, of making patent leather, but sold out to a Brooklyn firm because of his interest in manufacturing malleable iron. He discovered this process in 1826 and had a foundry at 28 Orange Street, but again he sold out, this time to a Boston firm. Seth Boyden next turned his attention to making locomotives.

For a short time Obadiah worked with his father, apparently having inherited the senior's interest in both leather and malleable iron. In 1841 Obadiah married Mary Hewes of Newark, but she died two years later, leaving one son. In 1846 Obadiah married Eliza F. Brown of Springfield, Massachusetts, and had four children by her.

With their active minds it is understandable that Seth and Obadiah Boyden should want to explore beyond the confines of Newark, and in 1848 we find them on a trip to California via Panama.

Their voyage up the Pacific coast was made in the second steamer to ply those waters, and one can imagine that to men of their mechanical bent such a voyage would have been of paramount interest.

On his return home Obadiah went into the foundry business, and the *Newark City Directory* lists him as engaged in malleable iron at 189 Orange Street in 1852, but shortly thereafter we find him at 173 Orange Street engaged in "carriage cloth" (leather upholstery?). He carried on this business up to the time of his enlistment in Company K, 2nd New Jersey Infantry Volunteers, under Brigadier General Philip Kearny.

That Obadiah Boyden also served in some of the most notable battles of the Civil War under General U. S. Grant is attested by the record stitched in his army blanket. The blanket is homespun and hand woven of gray-brown wool. The embroidery is done in light tan cotton threads of different weights and depicts such appropriate symbols as cannon, cannon balls, spread eagles, and the familiar slogans "My country right or wrong" and "Liberty forever." In addition there is a double column of the battles in which Boyden fought, with their dates:

"Bulls Run. Va. July 21st, 1861
West Point May 5th 1862
Mechanicsville June 6th
Goulders Farm June 27th
Charles City Cross Roads
at three different
Positions June 30th
Malvern Hill July 1st
Manassas Plains Aug. 27th
Chantilla Sept. 2nd
Cramptons Pass. Md. Sept. 14th
Antietam Creek Sept. 17th
St. Mary's Heights. Va. Dec. 12th 1862
" " " Apr. 29th '63
" " " May 3rd
Wilderness Church May 3rd
St. Mary's Heights June 6th
Gettysburg, Pa. July 2nd
Fairfield July 5th
Rappahannock Station. Va. Nov. 7th
Mine Run Nov. 27th
Battles of May 5th 6th 8th 10th
12th 14th 1864 under Gen. Grant"

Across the bottom of the blanket, which measures 82 by 60 inches, is worked the statement "Discharged May 29th 1864 serving three years in the United States Army in the Great Rebellion."

Philip Kearny, under whom Obadiam Boyden served, was born in New York City in 1814 and in 1851 settled near Newark, New Jersey. He served in the Mexican War, where he lost an arm, and it is said that thereafter Kearny always rode into battle with the reins gripped in his teeth. In 1859 he joined the French Army and fought in the war against Austria, winning the Cross of the Legion of Honor. At the outbreak of the Civil War Philip Kearny became a brigadier general of New Jersey volunteers. He served in all the important battles of the Eastern theater and rose to major general and division commander, but was killed at the Battle of Chantilly, Virginia, on September 1, 1862.

The life of our New Jersey Volunteers can be vaguely reconstructed with the aid of such items as a

pencil sketch done by a member of Company K, showing the "Camp of the Seventh Regiment, N. J. Volunteers, lower Potomac, Maryland." The sketch is signed "T. A. Allen Mar. 14, 1862." Across the bottom of the sheet, beneath a heavily penciled border, are listed the buildings and tents shown in the sketch, i.e., "Bakery, Quartermasters' Stores, Field Staff and Line Officers Tents, Corduroy Road from Rum Point, Hospitals, Stables, Guard House." Three lithographs drawn by H. L. Hillyer of Jersey City show the camps of the 6th, 7th and 8th New Jersey Volunteers, lower Potomac; and an eight-page leaflet, "The '7th' in Camp," contains twelve cartoons and a cover sketch picturing every activity of camp life from "Reviel-le" to "Lights out." The leaflet sold for ten cents.

A water-color sketch in the Society's collection, which has no connection with New Jersey but is of considerable interest in terms of the Civil War, pictures the U. S. Steamer J. P. Jackson (a side wheeler) searching for torpedoes off Fort Grant, Mississippi Sound, on October 16, 1863. Other boats are shown in the background.

Printed in heavy black type on yellow paper appears the following notice, which was to be posted at the General Store and the Post Office — perhaps even on a tree trunk—

Office Military Commissioner
Elizabeth, 5th Sept., 1862,
1 o'clock, P.M.

By virtue of authority from the Governor of this State, the Draft for the deficiency in the quota of the City of Elizabeth, and the Townships of Union, Westfield and Springfield, is hereby postponed to Tuesday, the 9th instant, between the hours of 9 o'clock A.M., and 5 o'clock P.M. Transportation for Volunteers will be furnished until Monday P.M., the 8th instant.

George W. Savage,
Commissioner

New Jersey Journal Power-Press
Print, Elizabeth, N.J.

Marcus L. Ward, who lived on Washington Street where the Newark Museum now stands, was Governor of New Jersey during the Civil War years. In the Historical Society's collection of broadsides is one entitled:

Marcus L. Ward
The Soldier's Friend,
for
Governor of New Jersey.

The song was written by R. B. Nichol, "author and publisher of a choice collection of Popular Songs —printed on fine note paper, and sent to any part of the United States, postage free, on receipt of price. Terms—14 copies, 50 cts.; 30 copies $1; $25 per 1000." Among Nichol's other war songs was "Kilpatrick's March Through New Jersey."

A large number of popular songs, all printed with colored lithographs, were issued by Charles Magnus of 12 Frankfort Street, New York City, and Washington, D. C. One of these began:

Oh! a soldier is my beau,
I would have you know,
And he's gone at his Country's call.

A footnote on the broadside states, "the music of this highly popular song can be had at John J. Daly's music store, 419 Grand Street, New York. Sung with great applaus by Miss Fannie Denham." Among others were "The Soldier's Funeral," by John Ross Dix, who also wrote "Their Sham Shoulderstraps," sung to the tune of "Gee ho Dobbin;" "When I am on a Distant Shore," sung to a tune familiar to the older generation, "The Harp that once through Tara's Halls"; "Welcome Home."

All this material is included in the Historical Society's spring exhibition, "New Jersey: 1861-1865".

One highly appropriate item in the exhibition is a model of a Civil War Field Artillery carved from wood in camp near Washington, D.C., by an unknown craftsman during the winter of 1864. Also included is a saddle that played no part in the War, yet has a definite connection with it in a way that is, perhaps, unique. The saddle is of fine leather and rawhide, embellished with silver and embroidery, and was made by Thomas Peddie of Newark in 1862. Peddie gave the saddle to the State of New Jersey, that it might be presented to the native soldier of the Civil War who distinguished himself by the greatest bravery. The award was never made (how could one choose the bravest among all our brave men?) and for 60 years the gift remained in the Old State Arsenal at Trenton. In 1930 the saddle was given to the New Jersey Historical Society by order of the Quartermaster General, C. Edward Murray.

As one glimpses the ordeals and the bravery of our Civil War soldiers who went from New Jersey to fight under Philip Kearny and George Brinton McClellan — who for a time served as General in Chief of all Federal armies — it is fitting that we should pause for a moment before the portrait of McClellan that hangs in the exhibition and consider his history. Born in Philadelphia on December 3, 1826, McClellan graduated from West Point in 1846. The following year he served in the Mexican War. In 1855 he visited the Crimea as one of the Government's military commission, acquiring through this experience a technical knowledge far beyond that of the average United States officer.

McClellan's first command in the Civil War was in Ohio and West Virginia, after which he was called to Washington to take command of the Army of the Potomac. In *Union Portraits* Gamaliel Bradford says of George McClellan: "he took the disorderly mob which fled from the first Bull Run and made it the superb military instrument that broke Lee's prestige at Gettysburg and finally strangled the Confederacy." Not all of his fellow officers agreed as to McClellan's abilities, however. In 1862 Kearny bluntly called McClellan a failure. Some authorities rank him as the greatest

Northern general while others regard him as a better strategist than tactician. George McClellan was the Democratic candidate for Presidency in 1864, running against Abraham Lincoln. During 1878-1881 he was Governor of New Jersey.

What has been mentioned here is merely a cross section of the wide range of Civil War material to be found in the Society's collections, material of interest and variety that will be shown at intervals during the years 1961-1965.

FADEN'S MAP

of

THE PROVINCE OF NEW JERSEY

The Society has recently reproduced in facsimile the 1778 map of New Jersey published during the American Revolution in 1778 by William Faden, London map seller.

Reproduced from the handsome copy in the Ely Collection, the map is full size, 34 by 22¾ inches, and printed in six colors from plates made in Italy.

Copies are available in heavy mailing tubes, post paid, upon receipt of $7.50 each, from The New Jersey Historical Society, 230 Broadway, Newark 4, N. J.

THE NEW JERSEY HISTORICAL SOCIETY

230 BROADWAY

NEWARK 4, NEW JERSEY

Army blanket used by Obadiah S. Boyden, of Newark, N. J., the embroidery recording his Civil War deeds. *Collections of the New Jersey Historical Society.*

Section of Obadiah S. Boyden's army blanket, showing skillful execution of detail. *Collections of the New Jersey Historical Society.*

THE EDITOR'S DESK

BLOW YE WINDS WESTERLY

The winds of chance blow upon historical societies, we must suppose, much as they blow upon that whirling effigy of Fortune which serves the city of Venice as a weathervane at the entrance to the Grand Canal. What else can explain the astonishing gifts that come to some of our sister societies and are eventually brought by devious ways to our notice?

Thus, from a recent number of *The Dukes County Intelligencer,* published by the Dukes County Historical Society on the island of Martha's Vineyard, Massachusetts, we learn that that society has acquired in the past year two marble tombstones. No ordinary tombstones are these, either, for they once marked the graves of three hens owned by a Miss Nancy Luce of West Tisbury, who in the heyday of the nineteenth century named her hens, loved them, buried them and inscribed their headstones with eccentric verse epitaphs. No one gives the New Jersey Historical Society anything remotely like this.

* * *

Nor have we received, at least recently, anything resembling the bottle presented last year to the Dukes County Historical Society by one of its members. This is described in the *Intelligencer* as a bottle of "Scots-Amo Liniment mfr. by Mayhew Liniment Co, Chilmark, 1903, for external use, ea. fluid ounce containing not over 83% alcohol and 1/11 grain powdered opium." What chance impulse guided the donor's hand to that obscure and duty shelf? What brought it later to the Historical Society's door?

Annual Report For 1960

(Concluded from the January issue)

REPORT OF THE TREASURER

STATEMENT OF REVENUES, EXPENSES AND SURPLUS RESULTING FROM CASH TRANSACTIONS YEAR ENDED SEPTEMBER 30, 1960 WITH COMPARATIVE FIGURES FOR 1959.

	1960	1959	Increase Decrease*
Operating Revenues			
Investments	$ 10,726	$ 10,650	$ 76
Dues	11,643	10,123	1,520
Proceedings	5,459	4,179	1,280
Proceeds of annual New Jersey Historical Society dinner	6,040	6,465	425*
Donations for operations	1,252	3,174	1,922*
Miscellaneous	——	2	2*
Total Operating Revenues	35,120	34,593	527
Operating Expenses			
Payroll pension and payroll taxes	30,154	25,951	4,203
Insurance	942	504	438
Administrative	4,905	2,764	2,141
Library and museum	705	371	334
Exhibits and education	210	230	20*
Building operations	4,167	4,980	813*
Building repairs	909	2,602	1,693*
Proceedings	5,554	4,739	815
Audit	450	200	250
Custodian fee	178	238	60*
Total Operating Expenses	48,174	42,579	5,595
Excess of Operating Expenses over Operating Revenues	13,054	7,986	5,068
Other Revenues and (Expenses)			
Gain on sale of investments—net	3,086	783	2,303
Bequest—estate of Edward W. Jackson	——	5,000	5,000*
Donation for thoroughbred exhibition	2,275	——	2,275
Thoroughbred exhibition expenses	(4,075)	——	4,075
Total Other Revenues—net	1,286	5,783	4,497*
Excess of Expenses over Revenues	11,768	2,203	$9,565
Surplus, beginning of year	478,796	480,999	
Surplus, end of year	$467,028	$478,796	

The complete financial report of the Society, audited by Puder and Puder, is on file at its headquarters and may be inspected by any interested members.

The portfolio of investments shows a satisfactory appreciation and is also on file at the headquarters of the Society.

REEVE SCHLEY, JR., *Treasurer.*

REPORT OF THE EDITORIAL COMMITTEE

THIS report will be, of necessity, a report on the *Proceedings,* the magazine that has occupied the Chairman of this Committee incessantly for the past twelve months. As a result of his experience, the new editor has two principal discoveries to divulge: one, that his predecessor was a genius who could perform the impossible, the other that he himself is not. Neither of these discoveries is in any way surprising, but they are facts that must be faced.

In an effort to find some way in which he might bring up his end of the unbalanced scales, the editor has undertaken two strategems. The first of these was a campaign to bring out the magazine on time, carried on with some degree of success against the formidable and expert opposition of the Printer and the Postoffice. Our side has won a few battles, I am happy to say, but the war is by no means over. We are still waiting, for example, for the October issue to be delivered, though the corrected page proofs were put in the Printer's hand on October 13th.[1]

The second of the editor's strategems was a scheme to get other people to do his work, and here, too, he can report considerable success. A board of editorial advisors has been assembled, who have been most helpful in reading articles, suggesting new topics and new contributors, and generally bringing their knowledge and experience to bear in fields unfamiliar to the editor. The work of this board is supplementary, of course, to that of the Trustees' editorial committee, which continues to function in an executive, rather than merely advisory, capacity.

The results of these labors are to be seen in the last four issues of the *Proceedings,* and I should like to point to certain encouraging features therein. The flow of material to the editor has been extraordinarily encouraging and (to him, at least) most surprising; I hope it continues to grow, both in quantity and quality, and that all our members will do what they can to keep it growing. The contributions of the Newark Museum and the Newark Public Library have been invaluable and promise to continue so. The help that has been received from the faculties of Princeton, Rutgers and Fairleigh Dickinson Universities cannot be

[1]The October issue was delivered a day or two after the date of this report (October 26th).—Ed.

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Founded in 1845

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